

## Exhibit 2

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

EDWARD BUTOWSKY,  
Plaintiff,

-vs-

CASE NO.: 4:18-cv-00442-ALM

DAVID FOKENFLIK, ET AL.,  
Defendants.

\_\_\_\_\_/

VIDEOTAPED DEPOSITION OF DEBORAH SINES

DATE: March 20, 2020

TIME: Commenced: 10:19 a.m.  
Concluded: 1:35 p.m.

LOCATION: Southern Reporting Company  
145 City Place  
Suite 302  
Palm Coast, Florida 32164

STENOGRAPHICALLY Mykel Miller, RPR, FPR  
REPORTED BY: Notary Public - State of Florida

1 APPEARANCES:

2 TY O. CLEVINGER, ESQUIRE (Appearing via Zoom)  
3 The Law Office of Ty Clevenger  
4 Post Office Box 20753  
5 Brooklyn, New York 11202  
6 202-577-8606  
7 Tyclevenger@yahoo.com

8 On Behalf of the Plaintiff

9 DAVID H. HARPER, ESQUIRE (Appearing via Zoom)  
10 Haynes and Boone, LLP  
11 2323 Victory Avenue  
12 Suite 700  
13 Dallas, Texas 75219  
14 214-651-5247  
15 David.harper@haynesboone.com

16 LAURA L. PRATHER, ESQUIRE (Appearing via Zoom)  
17 Haynes and Boone, LLP  
18 600 Congress Avenue  
19 Suite 1300  
20 Austin, Texas 78701  
21 512-867-8476  
22 Laura.prather@haynesboone.com

23 On Behalf of the Defendants

24 ALSO PRESENT:

25 Hunter Matheson, Videographer

STIPULATION

It is hereby stipulated and agreed by and  
between counsel present at this deposition and by the  
deponent that the witness review of this deposition  
would be reserved.

(This transcript is the product of the court reporter  
and should not be reproduced and given free of charge to  
any party unless under the direction, control and/or  
supervision of the certifying court reporter.)

1 I N D E X

2 TESTIMONY OF DEBORAH SINES

3	Direct Examination by Mr. Clevenger	4
	Cross-Examination by Mr. Harper	72
4	Redirect Examination by Mr. Clevenger	109
	Recross-Examination by Mr. Harper	124
5	Further Redirect Examination by Mr. Clevenger	125

6	CERTIFICATE OF OATH	127
---	---------------------	-----

7	REPORTER'S DEPOSITION CERTIFICATE	128
---	-----------------------------------	-----

8	READ AND SIGN LETTER	129
---	----------------------	-----

9	ERRATA SHEET	130
---	--------------	-----

10

11

12 I N D E X

13

14	Plaintiff's Exhibit No. 1	11
	(Episode 2 - The Russian Connection 7-9-2019)	

15	Plaintiff's Exhibit No. 2	11
16	(Episode 5 - Fox News Fallout 7-30-2019 -	
	11:59-14:37)	

17	Plaintiff's Exhibit No. 3	43
18	(Office of the Inspector General, U.S.	
	Department of Justice Investigative Summary)	

19	Plaintiff's Exhibit No. 4	48
20	(E-mail, dated 8/10/2016)	

21	Plaintiff's Exhibit No. 5	51
	(Audio Transcription of Podcast	
22	"Conspiracyland")	

23	Defendants' Exhibit No. 6	74
	(Affidavit of Deborah L. Sines)	

24	Defendants' Exhibit No. 7	107
25	(Remainder of Documents Produced by the	
	Witness)	

1 THE VIDEOGRAPHER: We are now on the record  
2 for the video deposition of Deborah Sines taken  
3 in the matter of Edward Butowsky versus David  
4 Fokenflik, et al.

5 Today is March 20, 2020, and the time is  
6 10:19 a.m. This deposition is being conducted at  
7 145 City Place, Palm Coast, Florida. The court  
8 reporter is Mykel Miller, and the videographer is  
9 Hunter Matheson.

10 Will counsel please introduce yourselves for  
11 the record after which the court reporter will  
12 swear in the witness.

13 MR. CLEVINGER: Yes. This is Ty Clevenger  
14 for the plaintiff, Edward Butowsky.

15 MR. HARPER: This is David Harper for the  
16 defendants including National Public Radio, David  
17 Fokenflik. And Ms. Laura Prather is listening in  
18 by -- by audio -- by Zoom, I guess, to be  
19 precise.

20 DEBORAH SINES,  
21 having been first duly sworn, was examined and  
22 testified upon her oath as follows:

23 THE WITNESS: Yes, I do.

24 DIRECT EXAMINATION

25 BY MR. CLEVINGER:

1 Q. Good morning, Ms. Sines. Could you please  
2 state your full name on the record?

3 A. Deborah Lynn Sines.

4 Q. And I understand you now reside in Florida;  
5 is that correct?

6 A. That's correct.

7 Q. And you previously were an assistant U.S.  
8 attorney in Washington, D.C. --

9 A. Yes.

10 Q. -- is that correct?

11 A. I said "yes."

12 Q. And I also understand you were -- I'm sorry.  
13 Go ahead.

14 A. I said "yes."

15 Q. Okay. And were you assigned as the lead  
16 prosecutor on the Seth Rich murder case?

17 A. Yes.

18 Q. You produced some documents this morning. Is  
19 it -- is it correct you have 19 pages of documents  
20 total?

21 A. I didn't count the pages, but you have the  
22 same copies I do.

23 Q. Okay. I would like to go through those  
24 briefly. Who sent you a copy of the order that you've  
25 included in those documents?

1 A. The Department of Justice.

2 Q. Who within the Department of Justice?

3 A. Dan Van Horn. Chief of the --

4 Q. Okay.

5 A. -- Civil Division for the United States

6 Attorney's Office for Washington, D.C.

7 Q. It looks like it's around the 11th page of  
8 the document that I have -- there's -- looks like a  
9 Friday, July 13, 2018, e-mail at the bottom. 7:07 p.m.

10 A. No. That -- that -- I know what you're  
11 talking about, but that is a mistake. I think the  
12 July -- let me find the order. Hold on.

13 Q. Actually this question was not about the  
14 order. This is a different - --

15 A. Oh, well.

16 Q. -- different subject.

17 A. So we're done with the order? You asked  
18 me --

19 Q. Yes.

20 A. -- who sent --

21 Q. Yes.

22 A. -- me this, and I told you. And you said at  
23 the bottom it said July. You were asking me about the  
24 order. You didn't ask me about anything else. Are you  
25 asking me about a different document now?

1 Q. Yes. I'm asking you about this -- do you  
2 know -- actually, do you know if Mr. Van Horn sent that  
3 order by e-mail?

4 A. Yes.

5 Q. So is that e-mail in here?

6 A. No. The Department of Justice's position is  
7 that they don't represent me personally, but sending me  
8 that order was in their capacity representing me in my  
9 former employment. I've been given very specific  
10 instructions about my contact with my former employer in  
11 connection with any case, and I've been instructed not  
12 to disseminate anything that they have -- any e-mails  
13 between me and them because it's in my capacity as they  
14 are representing me as a former assistant U.S. attorney.  
15 And I know you have Mr. Van Horn's letter. Well, I know  
16 you have it.

17 Q. Yes.

18 A. And I also --

19 Q. Right.

20 A. -- sent it to you.

21 Q. Right. So I want to talk about something  
22 unrelated to that.

23 A. All right.

24 Q. It looks like on the -- about the 11th page  
25 of the documents we were sent, there's a Friday,



1 July 13th, 2018, e-mail.

2 A. Okay. Just a minute.

3 Q. And --

4 A. Let me find it.

5 Q. Sure.

6 A. I've got it.

7 Q. Okay. And it looks like, toward the bottom,  
8 it says -- it says: Several reporters are trying to  
9 contact me about Seth's case, and I have refused to  
10 speak with them because I don't want to harm Seth's  
11 investigation.

12 Is that correct?

13 A. Yes.

14 Q. And then it looks like on the last page --  
15 page 19 of what we were provided -- there's another  
16 e-mail to Andy Kroll with Rolling Stone where it looks  
17 like you were refusing to speak about the case; is that  
18 correct?

19 A. No. I have to look at the Andy Kroll ones.  
20 Hold on.

21 Q. Sure. Actually, let me -- let me -- I'll  
22 read it --

23 A. No.

24 Q. -- because I --

25 A. I think you've got that wrong.

1 Q. Yeah. You're -- I -- let me reread it  
2 because I think I did get that wrong. In the second  
3 paragraph, it says: Even though I have refused to speak  
4 with -- to other journalists about this case, I'm  
5 thinking about talking to you.

6 Is that correct?

7 A. Yes.

8 Q. And so what changed between the time that you  
9 were refusing to speak to journalists and the time that  
10 you spoke to Michael Isikoff?

11 A. One of the things that changed was that in  
12 September of 2018 -- is Mr. Kroll sent me a letter -- a  
13 handwritten letter, not typed -- and he said he used to  
14 play soccer with Seth Rich. So I called Aaron Rich  
15 because I had refused to talk to anybody. And I called  
16 Aaron Rich, who confirmed that Mr. Kroll did indeed play  
17 soccer with his brother. That's what changed.

18 Q. Okay. So did you grant an interview to  
19 Mr. Kroll?

20 A. Yes, I did.

21 Q. And has that -- has that been published yet?

22 A. No.

23 Q. Do you know when it's supposed to be  
24 published?

25 A. No.

1 Q. Was it?

2 A. No. I just know I didn't get on the cover of  
3 the Rolling Stone. That's all I know.

4 Q. Okay.

5 A. Mr. Kroll has written several articles, a few  
6 about this case, and I've seen those, but that's not --  
7 that's not about me. That's -- you know, that's about  
8 him reporting on other things.

9 Q. Okay. Did -- did the Department of Justice  
10 authorize you to speak to him?

11 A. No.

12 Q. Did -- and of course I've mentioned earlier  
13 the Michael Isikoff interview, and I'll get into that  
14 more in a moment, but did the -- did the Department of  
15 Justice authorize you to speak to Michael Isikoff?

16 A. No.

17 Q. And when you spoke to Andy Kroll, were you  
18 still actively employed at the Department of Justice?

19 A. I just told you the date when we spoke.  
20 You've got the e-mail from April of 2019. I haven't  
21 been an assistant United States attorney since  
22 April 30th, 2018.

23 Q. Okay. I want to -- I'm going to go ahead  
24 and -- it's a little out of order here, but I'm going to  
25 go ahead and introduce two exhibits, actually, that NPR

1 has produced. They're two excerpts of the interview  
2 with -- with Michael Isikoff.

3 MR. CLEVENGER: And I would ask the court  
4 reporter to go ahead and hand you those.

5 (Off-the-record discussion.)

6 (Plaintiff's Exhibit Nos. 1 and 2 were  
7 marked for identification.)

8 BY MR. CLEVENGER:

9 Q. If you would just review those and see if  
10 those appear to be accurate.

11 MR. HARPER: And, Ms. Sines -- I would just  
12 interject that we do have the audio available, if  
13 the witness would -- if she would like to --

14 THE WITNESS: It's not necessary. Thank  
15 you.

16 Okay. I've finished the first one.

17 BY MR. CLEVENGER:

18 Q. Does that appear to be an accurate transcript  
19 of your interview with Mr. Isikoff on Episode 2?

20 A. Yes, it does.

21 Q. And if you could review the next one, please.  
22 Episode 5.

23 A. Got it. Finished it.

24 Q. Does that appear to be -- okay. Does that  
25 appear to be an accurate transcript of Episode 5 or your

1 portion of it?

2 A. Yes, it does.

3 Q. Before I ask you about those interviews, I've  
4 overlooked something in the documents that you produced.  
5 I want to go back to that for just a moment. It looks  
6 like around the 14th page of what I was provided. It  
7 says: Affidavit of Deborah L. Sines.

8 A. Yes.

9 Q. Has that affidavit ever been executed, or is  
10 that just a --

11 A. Yes, it has. I just don't have a copy of it  
12 with my signature.

13 Q. Okay. And who was that executed for?

14 A. Aaron Rich's civil suit case.

15 Q. Okay. So --

16 A. At -- with the approval of the Department of  
17 Justice.

18 Q. I see. Do you know who asked to -- that you  
19 provide that affidavit? Like, which attorney?

20 A. I think her name is Meryl.

21 Q. Would it be Meryl Governski?

22 A. Yes.

23 Q. Okay. And so did you have a phone  
24 conversation with her?

25 A. No. I had an interview with her.

1 Q. Oh, an interview? Was that -- did she come  
2 interview you in Florida?

3 A. Yes.

4 Q. And was there any kind of a transcript of  
5 that interview, or was it just the two of you meeting?

6 A. There was -- there was another lawyer there  
7 with her, but I don't remember his name. There is no  
8 transcript unless someone was secretly recording me, and  
9 I doubt that that happened.

10 Q. When did you have this meeting with them?

11 A. Let me check one of these e-mails. I might  
12 be able to figure it out. I'm trying to remember, and  
13 the e-mails are not helping me.

14 Q. Do you know whether you ever exchanged  
15 e-mails with Ms. Governski or any of her colleagues?

16 A. Not about the Seth Rich investigation. No.  
17 I've never exchanged --

18 Q. What --

19 A. I've never exchanged any e-mails with her  
20 about the Seth Rich investigation.

21 Q. Have you exchanged e-mails on other subjects?

22 A. Yes, but not --

23 Q. What were those other subjects?

24 A. -- not anything -- in particular, you know,  
25 things like, Attached is the affidavit I prepared, or --

1 things like that. Nothing of any substance about any  
2 case.

3 Q. So when you say, "Attached is the affidavit I  
4 prepared," was she e-mailing you a draft affidavit or  
5 vice versa?

6 A. No. No. I -- this is my typing -- any typos  
7 in here are mine. And --

8 Q. Okay.

9 A. -- I had to run it by the Department of  
10 Justice and have them approve it. So -- so there's --  
11 there's -- she -- she didn't prepare anything. This is  
12 my work.

13 Q. But you're saying that after you drafted this  
14 affidavit, you e-mailed it to Ms. Governski?

15 A. After the department approved the affidavit,  
16 then --

17 Q. Okay.

18 A. -- I -- I believe I e-mailed her a copy. I  
19 don't know. I don't have e-mails between her and me,  
20 but I know I sent her a signed copy as I did the  
21 Department of Justice. I -- you're asking me -- I don't  
22 remember whether this was 2019 -- I think it's 2019.  
23 No. It could be this year. I -- no, it can't be this  
24 year. Sorry. We're in March. It had to be last year.

25 Q. Well, the reason I ask is you -- you just

1 testified that you have exchanged some e-mails with Ms.  
2 Governski, and you said it was not about Seth Rich, but  
3 now you're saying that you sent her this affidavit which  
4 clearly is about Seth Rich --

5 A. Which is why I produced it. If -- if the  
6 affidavit -- the -- the e-mail she sent me or that I  
7 sent her was for Aaron Rich as a plaintiff in his civil  
8 suit. That's not about Seth Rich. That's about Aaron  
9 Rich. However, the affidavit I prepared is about Seth  
10 Rich, which is why I've produced it to you.

11 Q. Are you willing to produce the e-mail that  
12 you sent to Ms. Governski?

13 A. The e-mail that she sent to who? That I  
14 sent? No. No. No. I don't think that's at all  
15 responsive, but I have given you what's responsive about  
16 Seth Rich.

17 Q. Well, isn't it true that Aaron Rich's lawsuit  
18 is premised largely on things concerning his brother  
19 Seth Rich?

20 A. I -- I -- I can't say that that's what it's  
21 about. I think it's about the treatment he and his  
22 family have received from others.

23 Q. So -- well, forgive me, Ms. Sines, but are  
24 you -- are you trying to split hairs here deciding what  
25 you will and will not produce?



1           A.    No, sir. I'm not splitting -- I'm not  
2           splitting any hairs. I -- I feel I've produced  
3           everything responsive to your subpoena.

4           Q.    What other e-mail subjects have you  
5           communicated with Ms. Governski or any of her colleagues  
6           about?

7           A.    I don't think I've sent any e-mails to any of  
8           her colleagues. I believe just when she was arriving to  
9           interview me.

10          Q.    So did she e-mail you to set up the  
11          interview?

12          A.    She called me to set up the interview, and  
13          then I believe -- I don't even think I still have this  
14          e-mail. She e-mailed me with dates, I believe.

15          Q.    Okay. And so it's your testimony that those  
16          would be the only e-mails you've exchanged with Ms.  
17          Governski?

18          A.    Yes.

19          Q.    But you're not willing to produce any of  
20          those e-mails; is that correct?

21          A.    I -- I don't even know that I have them,  
22          Mr. Clevenger.

23          Q.    Well, did you look?

24          A.    No.

25          Q.    Well, if you -- or if you know that you

1 e-mailed this affidavit to Ms. Governski, did you have  
2 to pull that up from an e-mail attachment, or did you  
3 get it from somewhere else?

4 A. No. I had a -- I -- I had a copy of the  
5 affidavit I typed up on my computer, and I printed out  
6 the affidavit, but I just didn't have a copy with the  
7 signature.

8 Q. So I have what was -- what was discussed with  
9 your interview with Ms. Governski?

10 A. Everything that's in that affidavit. It was  
11 basically a lot of questions about how cooperative her  
12 client was during my investigation. Some of the  
13 questions I could not answer because the department, who  
14 arranged for the interview, instructed me I couldn't  
15 talk to them about certain things. For example, if  
16 someone testifies before the grand jury, even if they  
17 have told other people they testified before the grand  
18 jury, I am not allowed to confirm that. If someone has  
19 produced documents before the grand jury or otherwise, I  
20 am not allowed to talk about that. And -- and that's  
21 after consulting with the Department of Justice.

22 Q. You said that the Department of Justice  
23 arranged the interview. Do you know specifically who at  
24 the Department of Justice was arranging that?

25 A. I believe what happened was there -- there

1 was a subpoena for a deposition, and Dan Van Horn said,  
2 No. You -- she can't do that, and I believe the two of  
3 them -- I don't know; I wasn't there -- negotiated, How  
4 about if she does an affidavit instead?

5 Q. So did Mr. Van Horn or anyone else at DOJ  
6 know that Ms. Governski would be flying down to Florida  
7 to interview you --

8 A. Yes.

9 Q. -- about this?

10 A. Yes.

11 Q. They did? That's --

12 A. Yes.

13 Q. That's a "yes"? Okay.

14 Who was the other attorney? Was it -- do you  
15 know if it was Michael Gottlieb that came with her or --

16 A. Describe him.

17 Q. I have not seen him in person; I've just seen  
18 a photo. Dark hair, very short.

19 A. Looks young?

20 Q. Yes.

21 A. I don't remember him being short. Brown hair  
22 maybe.

23 Q. I don't know if he's tall or short. I've  
24 never seen him. I don't know his height.

25 A. Oh.

1 Q. His hair was short.

2 A. Oh, that -- that sounds like him.

3 Q. Okay.

4 A. I don't remember. Don't tell him I forgot  
5 his name.

6 Q. Did you discuss any matters beyond what's in  
7 the affidavit?

8 A. I'm certain I told her how bad I felt for her  
9 client, and I probably told her how bad I felt for Seth  
10 Rich's parents.

11 Q. Did you discuss any other details about the  
12 case?

13 A. No. I don't think so.

14 Q. So you're not certain?

15 A. I -- I don't think so.

16 Q. Did you ever exchange any drafts of your  
17 affidavit before it was finalized?

18 A. Only with the Department of Justice.

19 Q. Okay. I want to move -- we were talking  
20 earlier about some transcripts that are Exhibits 1 and  
21 2.

22 A. Are we done with the affidavit?

23 Q. Yes.

24 A. So we're back with Exhibits 1 and 2?

25 Q. Correct.

1 A. Okay.

2 Q. In the third paragraph, quoting Mr. Isikoff,  
3 it says: Sines decided to use her security clearance to  
4 ask U.S. --

5 A. Are you on Exhibit 1 or Exhibit 2?

6 Q. Exhibit 1. Do you have that?

7 A. I don't see where it says that.

8 Q. Yeah. Exhibit 1 is Episode 2. "The Russian  
9 Connection" at the top.

10 A. Yes.

11 Q. You go down to the third paragraph. Mr. --  
12 Mr. Isikoff, last sentence of that paragraph.

13 A. Yes, I see it now.

14 Q. Okay. It says: Sines decided to use her  
15 security clearance to ask the U.S. intelligence  
16 community to help her figure the puzzle out.

17 Is that correct?

18 A. That's what it says.

19 Q. Is that what you had told him?

20 A. Yes.

21 Q. Was that true?

22 A. I have been instructed by the Department of  
23 Justice that they have not authorized me to make any  
24 statements in violation of the law enforcement privilege  
25 and case investigatory steps I took while I was an

1 assistant U.S. attorney.

2 Q. So you're telling us, Ms. Sines, that you  
3 were able -- or willing to talk with a reporter about  
4 this, but you won't talk about it today; is that  
5 correct?

6 A. I'm telling you I was wrong to talk to a  
7 reporter about that, and I did not have the authority --  
8 permission from the Department of Justice to do that.  
9 And I'm telling you the Department of Justice has  
10 instructed me not to talk about that, and, in fact,  
11 that's in the letter they sent you.

12 Q. Have you been threatened with prosecution if  
13 you talk about these things?

14 A. No. I haven't been threatened at all by the  
15 Department of Justice.

16 Q. Have they indicated there might be any  
17 repercussions at all if you talk about these things?

18 A. No. Why do you think they're not here, sir?

19 Q. I have no idea, Ms. Sines.

20 A. Well, let me --

21 Q. I'm asking questions.

22 A. Let me posit it to you that they have  
23 explained all of the reasons and the law about what I am  
24 allowed to talk about and what I'm not allowed to talk  
25 about. I should have gotten permission from them. I

1 didn't, and now I see why I shouldn't have said that.  
2 They're right. I was wrong. I am allowed --

3 Q. Let me ask you this question.

4 A. -- to tell you if I said it. I'm not allowed  
5 to talk about those things at all. And as you know --

6 Q. So you're -- go ahead.

7 A. As you know, in their letter to you, I'm not  
8 allowed to testify about things I did while I was on the  
9 job.

10 Q. Well, I want to ask you specifically about  
11 your communications with Mr. Isikoff during the  
12 interviews. Did you -- did you say anything to him that  
13 you now know to be false?

14 A. I don't think so.

15 Q. So to the best of your knowledge the things  
16 that you said to Mr. Isikoff were true; is that correct?

17 A. Yes.

18 Q. Can you say which U.S. intelligence agencies  
19 you spoke with?

20 A. No. And you know why.

21 Q. Ms. Sines, there's no need to make this  
22 unduly adversarial. I'm --

23 A. I'm not trying to.

24 Q. -- trying to ask questions.

25 A. I just told you the parameters of what I'm

1 allowed to say, and, no, I'm not allowed to tell you who  
2 I talked to either in the Intelligence community or the  
3 law enforcement community or both.

4 Q. Okay. The next -- or a couple paragraphs  
5 down, there's a -- there is a statement by Mr. Isikoff  
6 about -- starts with a discussion about the website  
7 whatdoesitmean.com. And later in that paragraph it  
8 says: What Sines discovered was a fake bulletin  
9 circulated by the Russian SVR, the Kremlin's version of  
10 the CIA, that was intercepted by U.S. intelligence  
11 agencies.

12 Did you tell -- did you say that to Mr.  
13 Isikoff?

14 A. Yes.

15 Q. And to the best of your knowledge, was that a  
16 truthful statement to Mr. Isikoff?

17 A. Yes.

18 Q. Do you -- do you know -- well, can you say  
19 who intercepted this bulletin?

20 A. No.

21 Q. Can you say who told you that it was fake?

22 A. No.

23 Q. If you go farther down the page, at the  
24 bottom Isikoff says: In short, Sines had uncovered the  
25 original document that started all of the Seth Rich



1 conspiracy theories.

2 Did you tell Mr. Isikoff that?

3 A. No. I think that's him surmising that one  
4 original document started all the conspiracy theories, I  
5 think. That's his call on that. That's not what I  
6 said.

7 Q. Okay. On the next page, on the third  
8 paragraph down, it says -- it's quoting you:  
9 Absolutely. No question in my mind. They planted this  
10 whole conspiracy thing.

11 That's talking about the Russians. Is that  
12 an accurate statement on your part?

13 A. Yes, sir.

14 Q. Did you have any personal knowledge, or were  
15 you relying on what other people told you to say that?

16 A. I was relying on my investigation, but I --  
17 I'm not permitted to say more than that.

18 Q. So does the paragraph -- the next paragraph,  
19 you're quoted saying: It was the same nonsense. The  
20 same stuff. Once it became clear to me that this is  
21 coming from the SVR, then -- I mean, that triggers a lot  
22 of very serious, Oh, my God, what do I do with this?

23 Can you say what you were relying on to say  
24 it came from the SVR?

25 A. My investigation.

1 Q. Are you an intelligence analyst?

2 A. No, I am not.

3 Q. Have you ever worked in the intelligence  
4 field?

5 A. No.

6 Q. Do you speak Russian?

7 A. No.

8 Q. So then is it safe to say that you were  
9 relying on what other people told you?

10 A. No.

11 Q. What else were you relying on then?

12 A. Things I found on the Internet. Things I  
13 found elsewhere.

14 Q. Like, what kind of -- like, what kind of  
15 things?

16 A. Well, we're talking about what I was doing  
17 during my investigation, and the Department of Justice  
18 has not given me permission to answer that any further.  
19 I'm sorry.

20 Q. Well, if we're talking about things on the  
21 Internet, those are public documents; correct?

22 A. Not if it shows a law enforcement technique  
23 as it does here in my investigation.

24 Q. And so did you personally go out and find  
25 these things on the Internet?

1 A. Yes.

2 Q. And even though you're not an analyst and you  
3 don't speak Russian, it's your testimony that you have  
4 sufficient expertise to know that this came from the  
5 SVR?

6 A. To know some of this came from the SVR, but,  
7 again, as you point out, I'm not an expert.

8 Q. Well -- but you're saying with some certainty  
9 that it came from the SVR, and you're saying that you  
10 relied on things that you personally found on the  
11 Internet; is that correct?

12 A. Yes. And elsewhere.

13 Q. Okay. But does -- in terms of the things you  
14 found on the Internet, you think that's sufficient to  
15 say, based on your background and knowledge, that this  
16 came from the SVR?

17 A. Some of this came from the SVR, yes. I  
18 believe that completely.

19 Q. I understand that you believe that, but  
20 that's not my question. My question was, based on this  
21 Internet research that you did, do you believe you have  
22 sufficient background and knowledge to say that this was  
23 proof that it came from the SVR?

24 A. Counselor, although I'm not expert, I'm a  
25 high school graduate. I think I'm bright enough to

1 comprehend what I read. If -- if it's in Russian, I can  
2 certainly have it translated. If it's -- if I don't  
3 understand it, I certainly have -- used to have enough  
4 people to help me and explain it to me, but as you point  
5 out, I'm no expert. Could I be wrong? It's possible.  
6 Was I wrong in this case? I don't think so.

7 Q. Do you know what a false flag operation is?

8 A. No, I do not.

9 Q. Well, are you familiar with or do you  
10 comprehend the idea of one group or one nation trying to  
11 make -- make it look as if another group or another  
12 nation was responsible for something?

13 A. Sure. It's been all over the news for the  
14 last couple of years.

15 Q. Okay. Well, if we could accept that for the  
16 time being as the definition of a false flag operation,  
17 is it possible that what you were relying on, in terms  
18 of your Internet research or any other information,  
19 could be comprised as a false flag operation?

20 A. Of course, if I limited myself and believed  
21 everything I read. I found so many false things there  
22 that it was pretty easy to -- it was very easy to  
23 understand how much of it was false.

24 Q. I'm not sure I follow. What are we talking  
25 about that's false?

1 A. If Country A blames Country B for a virus --

2 Q. Uh-huh.

3 A. -- and the virus actually started in Country  
4 A, eventually any idiot can figure out where the virus  
5 started. I mean, that --

6 Q. Okay.

7 A. -- that's easy to understand. If someone  
8 wants to blame Seth Rich's murder --

9 MR. CLEVINGER: You guys, I'm sorry.

10 There's a little bit of background noise. I  
11 can't hear you too well.

12 BY MR. CLEVINGER:

13 Q. Go ahead. I'm sorry.

14 A. It's okay. It sounds like that was coming  
15 from your -- your side.

16 Q. No. It's quiet where I am.

17 A. Okay. If someone wants to -- if someone  
18 accuses Seth Rich of being murdered by a professional  
19 hit team, it's pretty easy to figure out whether that's  
20 accurate or not. It -- it's -- it's not rocket science.  
21 Now, if someone wants to set up the Russians to take the  
22 fall when it's not the Russians at all, I'm certain that  
23 can happen too. In fact, Russia often claims that --  
24 oh, let's say somebody's killed with uranium or some  
25 other kind of poison, Russia often claims they had

1 nothing to do with it, and it's a -- they're just being  
2 used as a scapegoat, and they're being set up.

3 Q. Would you agree with me, Ms. Sines, that  
4 your -- you don't really have the background or the  
5 expertise to -- to determine whether something is a  
6 false flag operation or whether it came from a foreign  
7 source or didn't come from a foreign source?

8 A. If you don't research it, you won't know what  
9 you're doing. I agree with that.

10 Q. Well, that's not really my question. My  
11 question was: Do you have the background and the  
12 knowledge, personally, to determine whether something is  
13 a false flag operation and whether it did or didn't come  
14 from a foreign source?

15 A. No, I don't.

16 Q. Back to the Exhibit 1. There's a line  
17 through the middle of the second page, and beneath that  
18 it quotes Mr. Isikoff: After Deborah Sines got her  
19 hands on these -- on those SVR bulletins and, over time,  
20 saw how Russian propaganda was exploiting her case, she  
21 wrote a memo that she sent to the National Security  
22 Division of the Justice Department.

23 Did you say that to Mr. Isikoff?

24 A. I told him that I sent a memo to the National  
25 Security Division of the Justice Department.

1 Q. And was that a truthful statement to him?

2 A. Yes.

3 Q. And -- and was he allowed to see that memo?

4 A. No.

5 Q. And the next sentence says: And she later  
6 briefed the prosecutor's agents worked -- working for  
7 Special Counsel Robert Mueller.

8 Is that correct?

9 A. I said that.

10 Q. And was that a truthful statement to Mr.  
11 Isikoff?

12 A. Yes.

13 Q. Do you know approximately when that meeting  
14 would have occurred?

15 A. Either the same month I retired or the month  
16 before. I retired April 30th, 2018.

17 Q. Okay. How about the memo? Approximately  
18 when was that sent?

19 A. Maybe 2017. Maybe.

20 Q. Okay.

21 A. Yeah. I think 2000- -- I think 2017.

22 Q. Do you know or can you say who you spoke with  
23 from Mr. Mueller's office?

24 A. I don't remember his name, but I'm not  
25 allowed to tell you anyway.

1 Q. Can you say whether he was a prosecutor  
2 versus an FBI agent?

3 A. There was an FBI agent and a prosecutor  
4 present.

5 Q. Okay. Let's go ahead and turn to Exhibit 2.

6 A. Do I get a copy of these exhibits?

7 Q. I can certainly send you -- send them to you.

8 A. I'd rather do this through the court  
9 reporter.

10 Q. That's fine.

11 THE WITNESS: Is that okay with you?

12 THE COURT REPORTER: Of course.

13 THE WITNESS: Okay. Exhibit 2, sir.

14 BY MR. CLEVENGER:

15 Q. Yes. On the first page -- looks like the  
16 one, two, three, four -- fifth paragraph, Mr. Isikoff  
17 says: You may recall from earlier episodes that Sines  
18 discovered that Russian intelligence agents had planted  
19 a wild conspiracy story about Seth Rich's murder just  
20 three days after his death. Now she was seeing the  
21 conspiracy claims being amplified by some of the loudest  
22 voices in conservative media.

23 Did -- did you make that statement to Mr.  
24 Isikoff?

25 A. I don't think I called it the "conservative



1 media." I think I told him that I saw -- what your  
2 client said on CNN, which I don't know if CNN is  
3 conservative or not. I saw Rod Wheeler making  
4 allegations. I saw Matt Couch making allegations. So I  
5 don't know if I said the "loudest voices in the  
6 conservative media." I think those might be his words.

7 Q. Okay. Going down the page a couple more  
8 paragraphs, Mr. Isikoff says: The specifics in the  
9 story -- the story was that there was an FBI report  
10 about an FBI analysis of Seth Rich's computer, but he --  
11 showed he was in communication with WikiLeaks. Was  
12 there any truth to that?

13 And then you said, No. None. Complete  
14 fabrication.

15 Is that correct?

16 A. That's what I said.

17 Q. And do you stand by that statement as being  
18 truthful?

19 A. I do.

20 Q. So who told you that there had been no  
21 investigation, or how do you know?

22 A. I'm -- I'm -- who told me that there had been  
23 no investigation?

24 Q. That the FBI had not looked into this?

25 A. I -- I don't think I said they had not looked

1 into this.

2 Q. Okay. So you were just disavowing the part  
3 where the -- where the analyst said he was showed to --  
4 he was in communication with WikiLeaks? Is that what  
5 you're disavowing?

6 A. Yes.

7 Q. Okay. But you don't know whether -- you're  
8 not saying that the FBI did not conduct an analysis of  
9 his computer; is that correct?

10 A. That's correct.

11 Q. So based on what you have here, is it -- is  
12 it -- so you are, in fact, saying that there was at  
13 least some investigation of his computer by the FBI;  
14 correct?

15 A. Not in -- how do I put this? I -- this is  
16 one of the things I've been instructed I'm not allowed  
17 to answer. And I'm trying to find a way -- let me check  
18 my affidavit. If it's in the affidavit, maybe the  
19 Department would -- hold on.

20 Q. I think there is some reference to the FBI in  
21 the affidavit.

22 A. Wow. It looks like -- well, I think  
23 paragraphs 12 and 13 answer that. It's just that I did  
24 not have permission to tell Michael Isikoff or anyone  
25 else who examined Seth Rich's computers.

1 Q. Okay. But based on your affidavit, you can  
2 now say that the FBI examined his computers; is that  
3 correct?

4 A. Just a minute. No. I'm allowed to say I'm  
5 aware of no evidence of any contact between Seth or  
6 Aaron Rich and WikiLeaks. And I'm aware of no evidence  
7 that Seth Rich ever improperly downloaded information  
8 from the DNC or that he provided such information or any  
9 other information to WikiLeaks. And that I'm aware of  
10 no evidence that Aaron Rich was involved in the  
11 transmission of stolen information from the DNC to  
12 WikiLeaks. And I'm aware of no evidence that Aaron Rich  
13 ever received any compensation from WikiLeaks. And I'm  
14 also allowed to say I consulted with several different  
15 law enforcement agencies as well as the FBI, but I'm not  
16 allowed to say that the FBI or anybody else looked at  
17 Seth's computers.

18 Q. Were any of your communications with the FBI  
19 an e-mail or other written form?

20 A. I'm sure it was.

21 Q. Okay. And so is it -- so then basically  
22 there would have been some kind of e-mail communications  
23 about the Seth Rich -- Seth Rich case with the FBI; is  
24 that what you're saying? I'm not asking you for the  
25 contents, just that there would be --

1 A. Yes.

2 Q. -- e-mail communication?

3 A. Yes. I don't have those. I don't work there  
4 anymore.

5 Q. Right. But would that be the normal course  
6 of the way things were done?

7 A. Yes.

8 Q. Okay.

9 A. There would be very -- there would be very  
10 little between the -- oh, who are they called -- FBI  
11 with the Special Counsel's Office.

12 Q. Okay. Do you know did -- did -- would there  
13 be any written communications with the FBI's CART or  
14 commune- -- what is it? Computer Analysis and Response  
15 Team?

16 A. No, there isn't.

17 Q. Did you have any kind of written  
18 correspondence with -- with FBI personnel other than  
19 those assigned to Robert Mueller?

20 A. Yes.

21 Q. So -- and I'm just trying to nail this down  
22 and make sure I understand you correctly. The only FBI  
23 personnel you communicated with regarding Seth Rich  
24 would be those assigned to a Mueller investigation; is  
25 that correct?

1 A. No.

2 Q. Okay. Tell -- tell me how I got it wrong?

3 A. I've spoken with another FBI agent about Seth  
4 Rich.

5 Q. Would that be someone in the Washington Field  
6 Office?

7 A. No. And I'm not allowed to speak to you  
8 about this. This is part of the investigation. And as  
9 you know, that's still an open case.

10 Q. Okay. Well, would there be any written  
11 communication e-mails, for example, with that agent?

12 A. Yes.

13 Q. So is it fair to say that the FBI had at  
14 least some participation in this case?

15 A. I'm not -- I'm not permitted to answer  
16 that -- answer that. Obviously, I said they did when I  
17 spoke with Mr. Isikoff, and I said it in my affidavit.

18 Q. Okay. Towards the bottom of the first page  
19 of Exhibit 2 --

20 A. Yes.

21 Q. -- it quotes you as saying: There's no -- no  
22 connection between Seth and WikiLeaks. And there was no  
23 evidence on his work computer of him downloading and  
24 disseminating things from the DNC.

25 And it -- can you say whether or not his work

1 computer was examined by the FBI?

2 A. I'm not supposed to answer that.

3 Q. Can you say, though, that his work computer  
4 was examined by law enforcement?

5 A. I'm not supposed to answer that.

6 Q. As far as you know, the statement that you  
7 made here in -- is that true and accurate?

8 A. Yes.

9 Q. Do you know whether other computers -- for  
10 example, personal computers of his were examined?

11 A. Yes.

12 Q. And let's go to the next paragraph on the  
13 first page. Isikoff is quoted -- it's in the bottom  
14 paragraph -- as it turned out, there was one sliver of  
15 truth in the Fox story. The FBI had been examining  
16 Seth's computer.

17 Did you tell Mr. Isikoff that?

18 A. I -- I -- I -- I guess I did. How else would  
19 he know it?

20 Q. Okay. And as far as you know to this day,  
21 were your statements to Mr. Isikoff in that regard  
22 truthful?

23 A. Yes.

24 Q. Do you know what part of the FBI -- for  
25 example, we mentioned CART earlier -- do you know what

1 part of the FBI would have examined his computer?

2 A. Yes.

3 Q. And can you say whether that was the CART  
4 division --

5 A. I already told you no.

6 Q. -- the CART team?

7 A. No. I will tell you this, Counsel, there was  
8 a separate investigation not involving Seth Rich or  
9 Aaron Rich, and I don't know if that investigation is  
10 still pending. I don't know. I -- I know there was a  
11 suspect subject. I have no idea what happened to that  
12 investigation. I can tell you that.

13 Q. Okay. I want to read then -- on the next  
14 page, it quotes you as saying: There were allegations  
15 that someone, maybe more than one person, was trying to  
16 invade Seth's Gmail account and set up a separate  
17 account after Seth was murdered. And the FBI was  
18 looking into that. I presumed they were trying to  
19 create a fake Gmail account and get into Seth's Gmail  
20 account so they can dump false information there.

21 Would that be the investigation that you're  
22 referring to?

23 A. That would be something I did not have the  
24 authority to say from the Department of Justice.

25 Q. Okay.

1 A. But I said it --

2 Q. But --

3 A. -- and it was the truth.

4 Q. Okay. And the part about creating a fake  
5 Gmail account or dumping information in his account,  
6 that was just a presumption on your part?

7 A. No. No. Wasn't at all.

8 Q. Well, if I may read the last sentence again:  
9 Because I presumed that they were trying to create a  
10 fake Gmail account or get into Seth's Gmail account.

11 A. They were. I shouldn't have said "I  
12 presume."

13 Q. Okay. So somebody was trying to get into  
14 these accounts after his death?

15 A. Yes.

16 Q. Do you know whether -- or did -- Aaron Rich  
17 might still have been accessing that account?

18 A. I don't -- I don't know what Aaron was doing  
19 then.

20 Q. If we were to provide evidence that Aaron, in  
21 fact, was logging into his brother's accounts and  
22 altering data after Seth's death, would that be relevant  
23 to your murder investigation?

24 A. Not to my murder investigation.

25 Q. You don't think if -- if Aaron Rich, the



1 brother, is postmortem tampering with Seth's electronic  
2 devices, you don't think that's relevant?

3 A. I think it's relevant, but not to my murder  
4 investigation. For example, if someone is trying to  
5 hack into his dead brother's account and he figures that  
6 out and reports it, that -- that doesn't harm my murder  
7 investigation at all.

8 Q. What if he's the one doing the hacking and  
9 the tampering?

10 A. Oh, I'm sure -- I'm sure the experts would be  
11 able to figure that out.

12 Q. But my -- my question is if he's the one  
13 doing the hacking and the tampering, would that then be  
14 relevant to the murder investigation?

15 A. No.

16 Q. So, generally speaking, on a murder  
17 investigation -- and since you've done a lot of those,  
18 if somebody is tampering with evidence after the fact,  
19 that's generally considered to be relevant to the murder  
20 investigation, is it not?

21 A. If -- if somebody is tampering with cartridge  
22 casings, somebody is tampering with video evidence,  
23 somebody is altering the body, the murder scene, moving  
24 the body, falsely blaming the murder on somebody else,  
25 very important. If somebody's hacking somebody's

1 account to take all their money after they're dead, very  
2 important.

3 Q. Okay. So if some -- so if somebody is  
4 hacking that account to alter data or metadata, that  
5 would be relevant too, would it not?

6 A. Sometimes. Sometimes when you lose a loved  
7 one, it could be you don't want anybody else to see the  
8 porn on their computer. You don't want anybody else to  
9 see embarrassing things about your loved one. There's a  
10 lot of reasons people can do that.

11 Q. Correct. But if -- nonetheless, it's  
12 relevant to the murder investigation, is it not? You  
13 want to find out why they were doing that?

14 A. Mr. Clevenger, it wasn't relevant --

15 Q. Yes.

16 A. -- to my murder investigation.

17 Q. Well, that's -- that's what I'm trying to --  
18 to hone in on here. It seems like your kind of, a  
19 priori, excluding evidence that doesn't fit your theory.

20 A. Well, I don't think you've ever invested a  
21 homicide in your life. I'm just guessing; am I right?

22 Q. Not entirely, I'm an ex-cop.

23 A. Right. I don't think --

24 Q. Going -- okay.

25 A. -- you've ever prosecuted a homicide

1 investigation. I don't think you've ever done --

2 Q. I have not prosecuted anyone --

3 A. -- prosecution to a grand jury.

4 Q. -- and I don't think some of that's relevant.

5 We're here for a deposition, Ms. Sines, and I'm here to  
6 ask you questions. Okay?

7 A. And I'm here to try to get you --

8 Q. Let's try --

9 A. -- under- -- to understand Aaron Rich was  
10 nothing but cooperative. For you to posit that you have  
11 some evidence that he has manipulated evidence, I would  
12 ask you -- I would beg you to make that report to the  
13 current assistant U.S. attorney who's investigating  
14 Seth's murder.

15 Q. And, again --

16 A. I've seen --

17 Q. -- I can tell you that --

18 A. I've seen none of that.

19 Q. -- that will be happening in the near future.

20 A. Okay.

21 Q. There was a public -- there was a publically  
22 filed court document this week from one of Mr. --  
23 other -- Mr. Butowsky's other attorneys testified in a  
24 declaration that certain e-mail addresses and other  
25 electronic information were not provided or withheld.

1 And we don't -- and -- and this -- I'm just giving you  
2 this background information. We don't think you were  
3 provided with this information either, but anyway --

4 A. So e-mail --

5 Q. -- let me get back to --

6 A. -- addresses were withheld from whom?

7 Q. From -- from the discovery in the civil case.

8 A. Oh, I don't know anything about that.

9 Q. Okay. Okay. I want to ask you to look at an  
10 exhibit I had -- I had initially marked as Exhibit 3,  
11 but we can mark it -- I guess we can still mark it as  
12 Exhibit 3. It's a press release from the U.S.

13 Department of Justice Office of the Inspector General.

14 THE COURT REPORTER: Would that be it?

15 THE WITNESS: I don't know. Let me see.

16 Yeah, that's it. Thank you.

17 (Plaintiff's Exhibit No. 3 was marked for  
18 identification.)

19 THE WITNESS: I've read it.

20 BY MR. CLEVENGER:

21 Q. Have you seen that document before?

22 A. Never.

23 Q. Do you know whether it -- it's referring to  
24 you?

25 A. I don't believe it is. I think I would

1 know --

2 Q. Were you ever --

3 A. -- if I was a target or a subject. That's  
4 not me.

5 Q. Were you ever investigated -- I'm sorry.

6 A. I -- I --

7 Q. Were you ever investigated --

8 A. -- I've never disclosed grand jury materials.

9 Q. Okay. So the information that you disclosed  
10 to Isikoff, none -- none of that came from a grand jury?

11 A. No. That was law enforcement-privileged  
12 investigatory techniques.

13 Q. Okay. But -- but -- but none of the  
14 information ultimately came from a grand jury? Is that  
15 what you're saying?

16 A. Of course.

17 Q. The information that you --

18 A. Of course.

19 Q. -- proposed to Mr. Isikoff? Okay.

20 So it only came from non-grand jury  
21 sources --

22 A. Yes.

23 Q. -- is that correct?

24 A. Yes.

25 Q. Okay. Did anyone ask or encourage you to

1 speak to Michael Isikoff?

2 A. Yes.

3 Q. And who was that?

4 A. Glenn Kirschner.

5 Q. And who is Glenn Kirschner?

6 A. He used to be the chief of homicide at the  
7 U.S. Attorney's Office in D.C. He's retired now. He's  
8 a big shot on MSNBC now.

9 Q. And so was he retired himself at the time he  
10 encouraged you to talk with Isikoff?

11 A. Yes.

12 Q. Was he still actively working for the U.S.  
13 Attorney's Office during the Seth Rich investigation?

14 A. Yes.

15 Q. Okay. So describe to me how this works? How  
16 do you -- how do you spell his name? Glenn -- and then  
17 how do you spell the last name?

18 A. G-l-e-n-n K-i-r-s-c-h-n-e-r.

19 Q. And you said he's a commentator on the MSNBC?

20 A. Yes.

21 Q. So how did that go down? Did he just call  
22 you out of the blue?

23 A. Yes. No. We -- we talk often. We're  
24 friends. We've tried many murders together. Done many  
25 investigations together.

1 Q. Okay. And had Isikoff contacted him?

2 A. Yeah. Yes. That's how -- that's how he got  
3 to me.

4 Q. Okay. So, basically, Mr. Kirschner kind of  
5 brokered this meeting between you and Mr. Isikoff?

6 A. Yes. Not meeting. I've never met Mr.  
7 Isikoff.

8 Q. I guess the phone interview?

9 A. Right.

10 Q. He brokered that?

11 A. Right.

12 Q. Okay. But he was retired from DOJ at the  
13 time he did it; correct?

14 A. Yes.

15 Q. Other than the reporter for Rolling Stone,  
16 have you spoken with any other journalist?

17 A. Yes. But not about this case.

18 Q. Okay. Have you spoken about other  
19 journalists about anything pertaining to Seth Rich?

20 A. No.

21 Q. And the interview that you granted to the  
22 Rolling Stone, approximately when was that?

23 A. 2019. But -- maybe September, maybe.

24 Q. Do you recall whether you said anything to  
25 the Rolling Stone that you had not mentioned to Mr.

1 Isikoff?

2 A. I think -- I think we talked very briefly.

3 Q. I'm sorry. You kind of broke up. Go ahead.

4 A. No. I stopped speaking to think. I think  
5 with Mr. Kroll -- I definitely told him -- we definitely  
6 talked about false Internet conspiracy theories, and we  
7 definitely talked about the Russians, but nothing in  
8 detail.

9 Q. Okay. Did you talk about anything pertaining  
10 to the murder investigation?

11 A. I'd say mostly we talked about Seth, what he  
12 was like, because I never knew him, and Seth's parents  
13 and Seth's brother. That's -- that's what I recall  
14 speaking with Mr. Kroll about. I have also spoken to  
15 him about other things not related to Seth Rich, Aaron  
16 Rich, Mary Ann Rich, none of the Riches.

17 Q. Okay. I'm going to back up and ask a  
18 question about Mr. Kirschner. Was he the person who  
19 assigned you to the Seth Rich case?

20 A. No. He wasn't chief anymore. He had stepped  
21 down, and he was a line attorney, but we kind of -- we  
22 consulted on all our cases, so... But, no, he did not.  
23 He's not the one who assigned me. It was my then chief.

24 Q. And who was -- who was the name of your chief  
25 at the time?



1 A. Michelle Jackson.

2 Q. Okay. Was there anybody above her that  
3 requested that it specifically be assigned to you?

4 A. I -- I wouldn't know that.

5 Q. Okay.

6 MR. CLEVENGER: I'm going to ask the court  
7 reporter to hand you some e-mails we originally  
8 submitted as Plaintiff's 2. I think now that  
9 would be 4. FBI e-mails.

10 (Off-the-record discussion.)

11 (Plaintiff's Exhibit No. 4 was marked for  
12 identification.)

13 BY MR. CLEVENGER:

14 Q. I think there should be two pages; is that  
15 correct?

16 A. Yes. You know what? Reading this just  
17 reminded me of something.

18 Q. Okay.

19 A. I did speak with -- I did speak with an FBI  
20 agent -- a supervisory FBI agent assigned to the  
21 Washington Field Office. Not anyone mentioned on -- in  
22 these e-mails you've just -- Plaintiff's Exhibit 4.

23 Q. Did you exchange any e-mails with that  
24 supervisory agent?

25 A. No. I spoke with him in person.

1 Q. Okay. Have you ever seen any of the e-mails  
2 in this particular exhibit?

3 A. Nope.

4 Q. Do you know any of the people who are named  
5 on there like Peter Strzok?

6 A. I know who he is. And I know who Lisa Page  
7 is, but I don't know who Jonathan Moffa is. I think  
8 those are the only names on here.

9 Q. Have you ever communicated with either Peter  
10 Strzok or Lisa Page?

11 A. No, I haven't. As far as I know, I've never  
12 met them.

13 Q. So you've never seen any of this e-mail  
14 correspondence before?

15 A. No, I have not.

16 MR. CLEVENGER: Let's go ahead -- just a  
17 housekeeping matter. Let's go ahead and -- I'm  
18 going to move to exhibit -- to admit that exhibit  
19 and any of the previous exhibits that have not  
20 been admitted.

21 THE WITNESS: 1, 2, 3, and 4?

22 MR. CLEVENGER: Correct. Any objection?

23 THE WITNESS: Not from me.

24 MR. HARPER: I -- I mean, I guess I'll just  
25 reserve, you know, those kind of evidentiary

1 objections until trial or whatnot, but I  
2 certainty consider them marked for the  
3 deposition.

4 MR. CLEVINGER: Okay. Thank you.

5 BY MR. CLEVINGER:

6 Q. Have you ever spoken with -- well, let me  
7 ask, do you know who John Durham is? The U.S. attorney  
8 in Connecticut?

9 A. No.

10 Q. So you were not aware that he was leading a  
11 review into the Russian collusion investigation?

12 A. No.

13 Q. Has anyone from either the Department of  
14 Justice or the FBI reached out to you since you left DOJ  
15 to ask questions about Seth Rich?

16 A. No.

17 Q. Did you have any role in assisting or  
18 preparing the Mueller Report?

19 A. No. I read it.

20 Q. Okay. Do you know whether the -- if  
21 Metropolitan Police Department or the FBI or any other  
22 agency specifically investigated whether Seth Rich was  
23 involved in the Democratic National Committee e-mail  
24 leaks in 2016?

25 A. I -- I'm not permitted to answer that.

1 Q. So when you resigned from -- or retired from  
2 the U.S. Attorney's Office, were you asked to resign or  
3 retire or you just had already planned to retire?

4 A. Counsel, I was tired. 35 years. 35. And at  
5 the department -- I mean, that's too many murder trials.  
6 I was done. It was time to go.

7 Q. Okay.

8 A. No one asked me to leave. I was not fired.  
9 They did ask me to stay. They even made some very silly  
10 offers. I was -- I was done.

11 Q. Okay.

12 A. My last trial was March of 2018, and I will  
13 tell you this, verdict came in on a Friday. Instead of  
14 going out and celebrating -- it was a trial -- my last  
15 trial I did with Glenn Kirschner -- I went to bed. I  
16 did not get out of my bed until the following Sunday. I  
17 wasn't sick. I was tired. And the only reason I got  
18 out of bed is because I went to see Black Panther.  
19 Seemed like a good reason to get out of bed. I was just  
20 done.

21 MR. CLEVINGER: I'm going ask the court  
22 reporter to hand you what I had originally marked  
23 as Exhibit 1. It's another podcast transcript.  
24 I guess now it would be Exhibit 5.

25 (Plaintiff's Exhibit No. 5 was marked for

1 identification.)

2 THE WITNESS: Okay.

3 BY MR. CLEVENGER:

4 Q. If you would turn to page 49 of that  
5 Episode 6 transcript. On -- on that page Mr. Isikoff  
6 says: MPD or Metropolitan Police Department examined  
7 and reexamined Seth's laptop.

8 Is that something that you told Mr. Isikoff?

9 A. Yes, it is.

10 Q. And to your -- to your knowledge, that is a  
11 true statement?

12 A. Yes.

13 Q. Did the MPD have any assistance from other  
14 agencies in examining the laptop?

15 A. I was not authorized to say what MPD did. I  
16 should not have said that. That is the law enforcement  
17 privilege. It's an open case. I'm not allowed to  
18 answer anything else other than did I say it and was it  
19 true. I was not authorized to say that.

20 Q. Do you know whether Aaron Rich disclosed all  
21 of his brother's e-mail accounts during the  
22 investigation?

23 A. I'm not allowed to answer that.

24 Q. On page 54 of the transcript, it quotes you  
25 as saying that there was more than one person that was

1 involved, a gunman and someone who aided and abetted?

2 A. Let me just --

3 Q. Did you make that statement?

4 A. What -- what page is that?

5 Q. Okay. 54.

6 A. I'm just looking to see where I'm talking.

7 Wait a minute. Can you give me a line, Counsel?

8 Q. Actually, I don't have it in front of me.

9 Let me pull it up. Just a second.

10 A. I've got it. I see it.

11 Q. Okay. Was that --

12 A. Hold on.

13 Q. Is that --

14 A. Let -- let me read it.

15 Q. Sure.

16 A. I said it. That's the truth.

17 Q. Okay. Can you say why you believe it was  
18 more than one person?

19 A. I wish I could. From my investigation. From  
20 the evidence.

21 Q. Okay.

22 A. I really do wish I could answer your  
23 question.

24 Q. I understand. You said in the interview that  
25 you had to track down every lead. Did you or anyone

1 from your investigative team attempt to contact  
2 WikiLeaks?

3 A. Oh, I'm not allowed to answer that.

4 Q. And I understand you may not be able to  
5 answer these, but I -- I have to get them on the record.

6 A. I understand. I understand.

7 Q. Did you or anyone from your team attempt to  
8 interview or contact Julian Assange?

9 A. I'm not permitted to answer that either.

10 Q. What about Kim Dotcom?

11 A. I'm not allowed to answer that either.

12 Q. Did you issue subpoenas to obtain Aaron  
13 Rich's bank accounts?

14 A. I'm not allowed to answer that.

15 Q. Did you issue subpoenas to obtain Seth Rich's  
16 bank accounts?

17 A. I'm not allowed to answer that.

18 Q. Did you issue subpoenas to obtain Aaron or  
19 Seth Rich's PayPal or eBay accounts?

20 A. I'm not allowed to answer that. That's all  
21 grand jury.

22 Q. I understand.

23 A. I know.

24 Q. Again, I'm just putting this on the record.

25 A. I understand.

1 Q. Did you issue -- did you issue a subpoena to  
2 the estate of Seth Rich demanding that the estate  
3 produce to law enforcement any laptop or electronic  
4 devices in Aaron Rich's possession?

5 A. I'm not allowed to answer that.

6 Q. Are you familiar with any of the four  
7 following e-mail accounts -- or I'll just go one at a  
8 time.

9 Are you familiar with the e-mail account  
10 sethcrich -- seth.c.rich@gmail.com?

11 A. I'm not allowed to answer that.

12 Q. Are you familiar with the e-mail address  
13 panda, with the number four, and then  
14 progress@gmail.com?

15 A. I'm not permitted to answer that.

16 Q. Are you familiar with the e-mail address  
17 sethnathanrich@protonmail.com?

18 A. I'm not permitted to answer that.

19 Q. Are you familiar with the e-mail address  
20 anr12105@aol.com?

21 A. I'm not permitted to answer that.

22 Q. Do you know whether Aaron Rich altered  
23 metadata on Seth-Rich related information provided to  
24 law enforcement?

25 A. No.



1 Q. You don't know? Is that the -- is that  
2 your --

3 A. I -- I have no information that that's the  
4 case.

5 Q. Okay. Do you know whether Aaron Rich deleted  
6 social media and other electronic data relating to Seth  
7 Rich or any of Seth Rich's social media accounts or  
8 content?

9 A. No.

10 Q. Do you know whether Aaron Rich deleted any  
11 information from any of the above e-mail accounts?

12 A. No.

13 Q. Was Aaron Rich a person of interest?

14 A. I'm not permitted to answer that.

15 Q. If you were to learn that Aaron Rich altered  
16 metadata on Seth-Rich related records, would that  
17 concern you?

18 A. No.

19 Q. You don't think that would be relevant to a  
20 murder case?

21 A. You've already asked me this, Counsel. This  
22 is asked and answered. I interviewed Aaron Rich  
23 thoroughly, and if he altered anything, I predict it  
24 wouldn't have anything to do with this murder  
25 investigation.

1 Q. So basically you kind of decided that Aaron  
2 Rich is not going to be a suspect no matter what? Is  
3 that --

4 A. No. That's --

5 Q. -- your position?

6 A. -- completely false. If I had evidence that  
7 anyone who even looked like Aaron Rich was involved in  
8 Seth's murder, that would be my man. That's not my  
9 evidence. And of course I can't tell you what the  
10 evidence is.

11 Q. I understand that. But you're saying that if  
12 you were presented with evidence that Aaron Rich altered  
13 the metadata on Seth Rich's records, that would not  
14 impact your feelings on the murder -- about the murder  
15 case?

16 A. Correct. It might raise flags about  
17 something else, but not the murder.

18 Q. Do you know when Seth Rich's laptop was first  
19 analyzed by the D.C. police?

20 A. I'm not authorized to answer that. I do  
21 know, but I'm not allowed to answer it.

22 Q. Do you know when the laptop was analyzed by  
23 the FBI?

24 A. I'm not allowed to answer that.

25 Q. But you do know the answer?

1           A.     I'm probably not supposed to say that either.  
2     Given that there still exists a law enforcement  
3     privilege that I'm not authorized to discuss or  
4     disclose, I -- I have to say I can't answer that.  
5     Especially now that you showed me that bulletin where  
6     somebody got investigated and almost prosecuted for  
7     doing that without permission.

8           Q.     Do you know how long Seth Rich's laptop  
9     remained in Aaron Rich's custody?

10          A.     I'm not permitted to answer that.

11          Q.     Do you know how long Seth Rich's second cell  
12     phone remained in the custody of Aaron Rich?

13          A.     I'm not permitted to answer that.

14          Q.     Would it concern you if you were to learn  
15     that Seth Rich's second cell phone had been subject to a  
16     factory reset?

17          A.     I'm not permitted to answer that.

18          Q.     Well, my question is not whether it did or  
19     didn't happen, but as a homicide investigator, would  
20     those facts -- if those facts were true, would that  
21     concern you?

22          A.     Yes.

23          Q.     Would it concern you if you knew Seth Rich's  
24     phone had data on it at the time of his murder that was  
25     delivered in its original factory condition to law

1 enforcement?

2 A. Would it -- you -- I'm sorry -- you have to  
3 say that again. I -- I don't think I understand that  
4 one.

5 Q. Sure.

6 A. Would it concern me --

7 Q. So if --

8 A. -- if what?

9 Q. Yes. If -- if -- would it concern you if you  
10 knew that Seth Rich's phone -- phones -- second phone  
11 had data on it at the time of his murder, but it was  
12 later delivered in its original factory condition to law  
13 enforcement? In other words --

14 A. Oh, I see what you mean.

15 Q. -- the data on it --

16 A. Yes. But usually when that happens, we can  
17 bring it back -- they can bring it back up. Yes, that  
18 would concern me.

19 Q. Okay. I think I know the answer to the next  
20 question. Let's see.

21 Were you aware of any death threats being  
22 made to Democratic National Committee staffers during  
23 the period prior to Seth Rich's murder?

24 A. I'm not permitted to answer that.

25 Q. Was it common knowledge in the Democratic

1 National Committee, prior to Seth Rich's murder, that  
2 the Russians had hacked into the Democratic National  
3 Committee and that no other possibility was being  
4 investigated by the FBI?

5 A. I'm not permitted to answer that.

6 Q. Were you responsible for a criminal  
7 investigation of Matt Couch?

8 A. No.

9 Q. Do you know whether someone else at the DOJ  
10 would?

11 A. I'm not permitted to answer that. Did you  
12 ask: Did I participate it --

13 Q. Were you responsible --

14 A. -- or was I responsible? I'm not  
15 permitted --

16 Q. Well, actually either? Did you --

17 A. I'm not permitted --

18 Q. -- participate or --

19 A. -- to answer either.

20 Q. Okay. Did you participate in or were you  
21 responsible for a criminal investigation of Edward  
22 Butowsky?

23 A. No.

24 Q. Do you know whether someone else at DOJ was?

25 A. No.

1 Q. Do you know whether Matt Couch -- not -- I'm  
2 not asking you to answer; I'm just -- do you know  
3 whether Matt Couch is the subject of a criminal  
4 investigation in connection with the murder of Seth  
5 Rich?

6 A. I'm not permitted to answer that.

7 Q. Do you know whether Ed Butowsky is the  
8 subject of a criminal investigation in connection with  
9 the murder of Seth Rich?

10 A. I'm not permitted to answer that.

11 Q. Did Aaron Rich provide you or your colleagues  
12 with evidence in connection with a criminal  
13 investigation of Matt Couch or Ed Butowsky?

14 A. I'm not permitted to answer anything about  
15 what Aaron Rich provided me during my investigation.

16 Q. Do you know who Kelsey Mulka is?

17 A. Oh, I'm not permitted to answer that.

18 Q. Can you say whether -- have you -- you've  
19 ever spoken with somebody by the name of Kelsey Mulka?

20 A. I'm not permitted to answer that.

21 Q. Did a person by the name of Kelsey Mulka ever  
22 provide you or your colleagues at DOJ with evidence  
23 regarding a criminal investigation of Matt Couch or  
24 Edward Butowsky?

25 A. I'm not permitted to answer that.

1 Q. Did you ever provide Aaron Rich with any kind  
2 of legal advice in connection with the potential  
3 defamation or harassment or other kind of lawsuit  
4 against Matt Couch or Ed Butowsky?

5 A. I've never given a witness legal advice --  
6 any witness.

7 Q. Have you given him any kind of advice about  
8 filing a potential defamation or other lawsuit --

9 A. No.

10 Q. -- against Matt Couch or Ed Butowsky?

11 A. No.

12 Q. Do you know whether any of your colleagues  
13 provided such advice to Aaron Rich?

14 A. No.

15 Q. Did you issue any subpoenas to Rod Wheeler?

16 A. I'm not permitted to answer that.

17 Q. Would you consider his investigation of the  
18 Seth Rich murder to be credible?

19 A. I wish I was permitted to answer that.

20 Q. Are you in contact with Donna Brazile?

21 A. No.

22 Q. Have you communicated with her since you  
23 retired?

24 A. No.

25 Q. Before you retired?

1 A. No.

2 Q. Are you in contact with Muriel Bowser?

3 A. No.

4 Q. Have you communicated with her since you  
5 retired?

6 A. No.

7 Q. Before you retired?

8 A. No.

9 Q. Other than your e-mails that you've produced  
10 with Aaron Rich, Joel Rich, Mary Ann Rich, have you had  
11 any communications with the three of them?

12 A. Yes.

13 Q. Would these be telephone conversations?

14 A. Some were telephone and there were other  
15 e-mails, but they were deleted well before I got  
16 subpoenaed. Celebrating the birth of a grandchild, me  
17 retiring. I -- I -- I've sent the Riches New Year's  
18 cards. Probably Chanukah cards too. And we've  
19 certainly spoken on the phone.

20 Q. Do you know approximately how many e-mails  
21 were deleted?

22 A. I have no idea.

23 Q. Since your retirement, have you had any  
24 communications with Kelsey Mulka?

25 A. No.



1 Q. What about Pratt Wiley?

2 A. No.

3 Q. Are you aware of theories that Seth Rich was  
4 killed at the hospital?

5 A. Yes.

6 Q. What do you think of those theories?

7 A. You're going to my investigation. I'm not  
8 permitted to answer that. I wish I could though.

9 Q. Are you aware of theories that Seth Rich was  
10 in possession of a thumb drive containing valuable  
11 information at the time of his death?

12 A. The theory? Yes. Yes. I'm aware of that  
13 theory.

14 Q. And what do you think of that theory?

15 A. I'm not allowed to answer that.

16 Q. Did you investigate whether Seth Rich was  
17 having work-related difficulties?

18 A. I'm not permitted to answer that.

19 Q. Do you know whether Seth Rich was having  
20 work-related difficulties?

21 A. I'm not permitted to answer that.

22 Q. Did you ask Aaron Rich what -- what he knew  
23 about any work-related difficulties that Seth Rich was  
24 having?

25 A. I'm not permitted to answer that.

1 Q. Did you ask Kelsey Mulka what she knew about  
2 any work-related difficulties Seth Rich was having at  
3 the DNC?

4 A. I'm not permitted to answer that.

5 Q. Do you think it's valid to investigate  
6 work-related difficulties in a homicide investigation of  
7 a political staffer?

8 A. Can you ask that again?

9 Q. Sure. Just in general -- general question --  
10 do you think it is valid to investigate work-related  
11 difficulties in a homicide investigation from a  
12 political staffer?

13 A. Yes, I do.

14 Q. Okay. Did you conduct a forensic examination  
15 of Seth Rich's work computer?

16 A. I'm not permitted to answer that.

17 Q. If your working theory was that Seth Rich was  
18 the victim of a botched robbery, did you exclude other  
19 possible theories?

20 A. Of course not.

21 Q. Did you vote for Hillary Clinton?

22 A. Yes.

23 Q. Do you hate Donald Trump?

24 A. I have no respect for the president. I don't  
25 hate him.

1 Q. Do you think he is -- okay. Do you think  
2 he's incompetent?

3 A. Yes.

4 Q. Do you think he is dangerous?

5 A. Yes.

6 Q. Do you think he is a fascist?

7 A. A fascist may be too strong of a term. I  
8 think he's dishonest.

9 Q. Do you think --

10 A. I think he's a racist. I think he's a  
11 blowhard show horse. And I think the reason he's  
12 dangerous is because he surrounds himself with "yes  
13 people," and he ignores advice from very experienced  
14 people. But I don't -- I don't think -- I don't think  
15 hate is -- is an appropriate term. And I don't think  
16 fascist is an appropriate term. I think he's a rich  
17 guy, and he's very privileged, and that's how he  
18 comports himself. I should also tell you that I did not  
19 vote for Hillary Clinton when she ran against Obama.

20 Q. Okay. Do you think Donald Trump is a  
21 xenophobe?

22 A. I don't know. I -- I don't what he is.

23 Q. Is he sexist?

24 THE COURT REPORTER: Can you repeat that?

25 MR. CLEVENGER: I just asked if she thinks

1 Donald Trump is a xenophobe.

2 THE COURT REPORTER: And what did you ask  
3 after that, sir?

4 MR. CLEVENGER: That -- that was my last  
5 question.

6 THE COURT REPORTER: Okay.

7 THE WITNESS: I thought you then asked is he  
8 a sexist.

9 BY MR. CLEVENGER:

10 Q. Oh, you're right. Yes. That was my next  
11 question.

12 A. Sure.

13 Q. Is Donald Trump a sexist?

14 A. Sure.

15 Q. If you obtained evidence that the Russian  
16 hacking theory at the DNC was false, would you feel duty  
17 bound to provide that information to the attorney  
18 general?

19 A. No. I -- I wouldn't go directly to the  
20 attorney general. I would -- I would do it through my  
21 chain of command. You know, I would go to the U.S.  
22 attorney who would then go to the attorney general. The  
23 only times I have dealt directly with attorney generals  
24 has been for some special investigations I was assigned  
25 to where I had to report directly to them, but with

1 respect to this investigation, and even stuff with  
2 Russian intelligence, you have to be very careful to  
3 make sure -- you know, you don't -- how do I put this?  
4 You don't -- you don't just walk up to the attorney  
5 general. Also, you have to -- the people you go  
6 through, you have to make sure they have the appropriate  
7 security clearances for whatever it is you have to tell  
8 them, but, yes, I would make sure that information got  
9 sent up the chain.

10 Q. What is your opinion of the current attorney  
11 general?

12 A. I don't know how that is relevant, but I'll  
13 answer it. I'm very disappointed and embarrassed at the  
14 way he's conducted himself. I know many of the lawyers,  
15 including myself, who are very dispirited and  
16 embarrassed. He appears not to be -- he appears to be  
17 very partisan. And for a lifelong career prosecutor --  
18 I'll just speak for myself. I have been threatened; my  
19 family has been threatened. I have been assaulted at  
20 the courthouse. I have devoted my entire career to --  
21 first, at the Civil Rights Division trying to vindicate  
22 racial violence and dirty police officers, and then --  
23 gosh, since 1996, maybe, I've been prosecuting murder  
24 cases trying to vindicate the rights of people who were  
25 killed. And to see an attorney general not back his

1 people up and just dismiss them the way I've seen  
2 Attorney General Barr do is very disappointing, very  
3 dispiriting, and it makes me sad. A lot of good people  
4 have left. People that really believe in doing that  
5 thing we all call justice, and I don't see them ever  
6 coming back. I -- I keep in touch with some of my  
7 former colleagues who are still there. It's a struggle.  
8 Not because they're Democrats. Many are Republicans.  
9 It's because they're dispirited, and they're  
10 embarrassed.

11 Q. Are you familiar with the -- the phrase or  
12 the term "the resistance"?

13 A. Oh, yeah. I've heard it.

14 Q. And as it relates to the Trump  
15 administration?

16 A. Yes, I've heard it.

17 Q. Were you part of the resistance?

18 A. Of course not. I've worked for -- I think I  
19 started working with Reagan. I have worked for  
20 Democrats and Republicans. When you're doing justice,  
21 it doesn't matter who's in charge until now. No one  
22 ever asked me, What's your political party? No one ever  
23 accused me of not doing my job because I didn't like who  
24 the boss was. That's all new. And it's one of the  
25 things that's repugnant, disgusting, and makes me very

1 sad.

2 Q. Did you tell Aaron Rich that he was free to  
3 delete electronic communications belonging to Seth Rich?

4 A. No, I did not.

5 Q. Did you tell Aaron Rich he could delete  
6 information -- any other kind of information relating to  
7 Seth Rich?

8 A. No, I did not.

9 Q. If Aaron Rich had material information  
10 relating to Seth Rich's communications with WikiLeaks,  
11 do you believe he would have had a duty to bring that  
12 information to your attention?

13 A. Yes.

14 Q. Did you tell Aaron Rich he could alter the  
15 metadata on Seth Rich's electronic communications?

16 A. No.

17 Q. Did you investigate whether Russians tried to  
18 hack into the electronic devices of Aaron Rich after the  
19 Fox News article broke on May 15, 2017?

20 A. I'm not allowed to answer that.

21 Q. Did you investigate whether the Russians  
22 tried to hack into the electronic devices of Brad Bauman  
23 after the May 15, 2017 article?

24 A. I'm not allowed to answer that.

25 Q. Do you know Brad Bauman?

1 A. No.

2 Q. Have you ever communicated with someone by  
3 that name?

4 A. I'm not allowed to answer that.

5 Q. Did you discover any evidence that Russians  
6 had hacked into Aaron's electronic devices or into  
7 Seth's electronic devices?

8 A. I'm not allowed to answer that.

9 MR. CLEVINGER: I believe that is the end of  
10 my questions.

11 Would you guys like to take a lunch break?

12 THE WITNESS: No. I'd like to get this over  
13 with. I'm in a fairly small room, and we have a  
14 pandemic going on. I don't want to come back.

15 MR. HARPER: Yeah. That's fine with me.

16 Might we take a five-minute bathroom break?

17 Would that be --

18 THE WITNESS: Sure.

19 MR. HARPER: -- good for everybody? I'm --

20 THE WITNESS: Sure.

21 MR. HARPER: I want to make sure the court  
22 reporter is also -- give her a five-minute  
23 break --

24 THE WITNESS: Is that okay?

25 MR. CLEVINGER: Good idea.



1 MR. HARPER: -- and come back and get  
2 started.

3 THE WITNESS: All right.

4 THE VIDEOGRAPHER: Time is 12:03, and we're  
5 off the record.

6 (Recess had from 12:03 p.m. to 12:14 p.m.)

7 THE VIDEOGRAPHER: Time is 12:14, and we're  
8 back on the record.

9 CROSS-EXAMINATION

10 BY MR. HARPER:

11 Q. Ms. Sines, my name is David Harper. I'm a  
12 lawyer with the law firm of Haynes and Boone based in  
13 Dallas, and we represent the defendants in the case,  
14 including National Public Radio. National Public Radio  
15 and some of its personnel, including one of its  
16 reporters, was sued by Mr. Butowsky, the plaintiff in  
17 this case. Do you understand that?

18 A. Yes, sir.

19 Q. And it -- the -- the -- the -- part of the  
20 lawsuit relates to a Fox News story in May of 2017 that  
21 related to Seth Rich's death. Are you aware of that?

22 A. Is that the story with Mr. Wheeler and  
23 Mr. Butowsky?

24 Q. Yes. The story -- the story includes  
25 Mr. Wheeler.

1 A. And not Mr. Butowsky?

2 Q. I don't believe that the Fox News story talks  
3 about Mr. Butowsky.

4 A. All right. I'm -- I am familiar -- I've seen  
5 several Fox things. That's why I was asking that  
6 question.

7 Q. Well, first let me say thank you for  
8 appearing today in this highly unusual time, and I will  
9 try to be very respectful of your time, but I just  
10 wanted to say I'm grateful for you appearing today in  
11 light of what's going on in the country.

12 A. Thank you, Mr. Harper. I -- I did not want  
13 to come here because of the pandemic. It's difficult  
14 for me. I'm elderly.

15 Q. And you are appearing today in response to a  
16 subpoena that was issued to you by Mr. Butowsky's  
17 lawyers, and then we served a follow-on subpoena; is  
18 that correct?

19 A. Yes, sir.

20 Q. And we first spoke today shortly before your  
21 deposition on this video conference process that we're  
22 using; is that right?

23 A. Yes.

24 Q. And you understand that the Department of  
25 Justice has been advised of this deposition. They're

1     aware of it --

2             A.     Yes.

3             Q.     -- is that right?

4                     And as far as you -- and -- and as -- in your  
5     understanding, that -- they've -- they've decided not to  
6     appear today; is that correct?

7             A.     Yes.

8             Q.     Now, I'll apologize in advance that some of  
9     my questions may seem a little bit repetitive, but I'll  
10    try to minimize that, but I'm going to be going through  
11    some of the same documents that you already went  
12    through --

13            A.     All right.

14            Q.     -- with Mr. Clevenger.

15                   MR. HARPER: First, could we mark -- let me  
16     ask the court reporter if we could mark the  
17     affidavit that was included in the documents you  
18     produced earlier today as the next exhibit. I  
19     believe Exhibit 6.

20                   (Off-the-record discussion.)

21                   (Defendants' Exhibit No. 6 was marked for  
22     identification.)

23                   THE WITNESS: I have it, Mr. Harper.

24     BY MR. HARPER:

25            Q.     Thank you. So Exhibit 6 is an affidavit that

1     you prepared; is that right?

2             A.     Yes, sir.

3             Q.     And although this copy is not signed, you did  
4     sign an affidavit with this same content in it; is that  
5     right?

6             A.     Yes, I did.

7             Q.     And are all the statements in your affidavit,  
8     which is Exhibit 6, true and correct?

9             A.     Yes.

10            Q.     Now, I understand that because of your former  
11     role as a prosecutor, that the Department of Justice has  
12     instructed you not to speak about certain matters; is  
13     that correct?

14            A.     Yes.

15            Q.     And that's largely based upon a law  
16     enforcement privilege based upon investigating criminal  
17     matters; is that correct?

18            A.     Yes. And grand jury.

19            Q.     Okay. And -- but the Department of Justice  
20     actually approved the statements that you made in this  
21     affidavit; is that right?

22            A.     That's true.

23            Q.     Let me -- if I could, I'm going -- I'm going  
24     to walk you through the statements in your affidavit; is  
25     that all right?

1 A. Yes.

2 THE COURT REPORTER: Mr. Harper?

3 MR. CLEVINGER: Yeah. I can't hear him  
4 either.

5 BY MR. HARPER:

6 Q. I apologize. Can you hear me?

7 A. We can.

8 Q. The -- my Internet connection must have  
9 crashed. So I apologize. Let me back up just a little  
10 bit so that I know where we are.

11 So your affidavit says this -- obviously your  
12 name is Deborah Sines; right?

13 A. Right.

14 Q. And is it true that now you're -- at this  
15 time, you're retired and you live in Florida?

16 A. That's true.

17 Q. And you practiced law in Washington, D.C. for  
18 more than 35 years?

19 A. Yes.

20 Q. And you make it clear in your affidavit that  
21 your statements are being made on your own behalf and  
22 not on behalf of the United States, the Department of  
23 Justice, or the U.S. Attorney's Office for the District  
24 of Columbia; is that right?

25 A. Yes.

1 Q. During your career, did you try more than  
2 100 cases?

3 A. Yes.

4 Q. And did you conduct approximately 500  
5 investigations?

6 A. Yes.

7 Q. And before your retirement, you served as an  
8 assistant U.S. attorney in the -- assistant U.S.  
9 attorney?

10 A. Yes.

11 Q. Including in the District of Columbia?

12 A. Yes.

13 Q. And that lasted from 1996 to 2018?

14 A. Yes.

15 Q. And were you primarily in the homicide  
16 section?

17 A. I was except -- I think when I first started  
18 out, I was in some senior felony position where I just  
19 tried a couple of violent crimes, and maybe three months  
20 later, I went to homicide. I left homicide for one year  
21 because I got angry and went to the narcotics section  
22 for a year, and I tried one nine-month-long narcotics  
23 conspiracy case and two or three murder cases that year.  
24 And then I went back to homicide, served as a deputy  
25 chief for a year, and then went back to the line. So --

1 Q. So --

2 A. -- there was one year between 1996 and 2018  
3 where I was in narcotics. I was still doing murder  
4 cases, but I was in narcotics.

5 Q. So it -- would it be fair to say that you --  
6 you were a prosecutor for a long time in the homicide  
7 section in the U.S. Attorney's Office in the District of  
8 Columbia?

9 A. Yes, sir.

10 Q. And what -- what -- it's a little unusual  
11 because you were in the District of Columbia, as most  
12 people are used to seeing these kind of prosecutions  
13 done by -- by a district attorney's office, but because  
14 of the way the district is set up, it's a federal --

15 A. District.

16 Q. -- the District of Columbia, the federal  
17 district. That's done by the U.S. Attorney's Office; is  
18 that right?

19 A. Yes.

20 Q. So then -- to follow on in your affidavit,  
21 you worked as a trial attorney in the Civil Rights  
22 Division in the -- of the U.S. Attorney's Office as  
23 well; is that correct?

24 A. No, not the U.S. Attorney's Office. That's  
25 main justice. The Department of Justice in D.C., but

1 you try cases all over the country, but your home  
2 base -- your office is in D.C.

3 Q. So you were in the Civil Rights Division of  
4 the Department of Justice and it -- and that was from  
5 1995 to 19-- 1985 to 1996?

6 A. Yes. And while I was there, I tried mostly  
7 racial violence cases. I also -- I tried one slavery  
8 case. And I prosecuted -- I'll call them dirty cops --  
9 law enforcement officers, excessive force, that kind of  
10 stuff, but they all pleaded guilty.

11 Q. And before that, you were a criminal defense  
12 attorney in the Washington -- in Washington, D.C.?

13 A. Yes, I was.

14 Q. And I -- by the way, where did you go to  
15 college and law school?

16 A. Okay. College was GW -- George Washington  
17 University in Washington, D.C., and then I went to a law  
18 school that no longer exists called the Antioch School  
19 of Law also in Washington, D.C., and that's where I got  
20 my JD. Then I went to Georgetown University Law Center  
21 where I got an LLM in trial advocacy.

22 Q. All right. Thank you. And I see in 2017 you  
23 were inducted as a fellow in the American College of  
24 Trial Lawyers?

25 A. Yes, I was.



1 Q. Congratulations.

2 A. Thank you.

3 Q. That is a very prestigious honor.

4 A. Thank you.

5 Q. As I see in your affidavit, you say: That  
6 from 2016 to 2018 I was the lead assistant U.S. attorney  
7 assigned to the murder of Seth Rich.

8 Is that right?

9 A. Yes.

10 Q. And you understood that he was shot and  
11 killed in the 2100 block of Flagler Place Northwest in  
12 Washington, D.C., on July 10th, 2016?

13 A. Yes.

14 Q. For two years you say you helped direct the  
15 police investigation and coordinated the prosecutory  
16 work related to Seth Rich's murder --

17 A. Yes.

18 Q. -- is that true?

19 In paragraph 10 of your affidavit, you  
20 described some of the things that you did in your  
21 investigation; is that right?

22 A. Yes.

23 Q. You say: As part of your job during the  
24 investigation of the murder of Seth Rich, you personally  
25 reviewed and analyzed relevant evidence collected and/or

1 generated by the Metropolitan Police Department for the  
2 District of Columbia.

3 Did you do that?

4 A. Yes.

5 Q. And you also personally reviewed and analyzed  
6 evidence collected and/or generated by the Office of the  
7 Chief Medical Examiner for the District of Columbia?

8 A. True.

9 Q. And you also reviewed and analyzed material  
10 from the Department of Forensic Sciences for the  
11 District of Columbia; is that right?

12 A. Yes.

13 Q. You also consulted with those law enforcement  
14 agencies as well as the Federal Bureau of  
15 Investigation -- or the FBI -- about the case; is that  
16 right?

17 A. Yes.

18 Q. And you personally reviewed and analyzed  
19 medical records related to the antemortem treatment of  
20 Seth Rich for his gunshot wounds?

21 A. Yes.

22 Q. And you personally reviewed and analyzed  
23 statements posted online about the case; is that right?

24 A. Yes.

25 Q. Also as part of your investigation, you

1 personally interviewed witnesses with information  
2 relevant to the criminal investigation --

3 A. Yes.

4 Q. -- is that correct?

5 A. Yes.

6 Q. Are all those normal things that you would do  
7 as part of a homicide investigation?

8 A. Everything except the online stuff.  
9 Occasionally, you also have to look -- you know, you  
10 look at phone records and things like that, but it's  
11 unusual to have so many online things. Occasionally,  
12 they come up. People sometimes even film their own  
13 murders, but it's unusual to have this much online  
14 information all over the country on a case.

15 Q. But you had conducted many, many homicide  
16 investigations, and you conducted this one as you had  
17 many others; is that right?

18 A. That's right.

19 Q. You go on to say that, during your  
20 involvement with the criminal investigation, you became  
21 aware of allegations published online, on air, or in  
22 print that Seth Rich had stolen e-mails from the  
23 Democratic National Committee, DNC; is that true?

24 A. Yes.

25 Q. And Mr. Rich, before his death, did work for

1 the Democratic National Committee; is that right?

2 A. Yes.

3 Q. And you say that where he was employed at the  
4 time of his death. And you -- you became aware of these  
5 allegations posted online and on air that he had  
6 provided e-mails to WikiLeaks from the -- from the DNC  
7 and was murdered as a result. You became aware of those  
8 allegations?

9 A. Yes.

10 Q. You say, for example: In May 2017, I became  
11 aware of a Fox News story published online and on air  
12 alleging that Seth Rich was involved in the hacking  
13 of -- of the DNC e-mails.

14 Is that right?

15 A. Yes.

16 Q. And in August 2017 you became aware of  
17 publications online also accusing Seth Rich's brother  
18 Aaron Rich of working with his brother to download the  
19 DNC e-mails and sell them on WikiLeaks in exchange for  
20 monetary compensation. You became of those  
21 allegations -- you became aware of those allegations; is  
22 that right?

23 A. Yes.

24 Q. Other online postings linked these alleged  
25 activities to Seth Rich's murder; is that right?

1 A. Yes.

2 Q. Those are things that you became aware of?

3 A. Yes.

4 Q. Now, is it true that you were aware of no  
5 evidence of any contact between either Seth or Aaron  
6 Rich and WikiLeaks?

7 A. That's true.

8 Q. And you were the prosecutor investigating  
9 this murder; right?

10 A. Yes.

11 Q. You also -- is it also true that you are  
12 aware of no evidence that Seth Rich ever improperly  
13 downloaded information from the DNC or that he provided  
14 such information or any other information to WikiLeaks?

15 A. Yes, that's true.

16 Q. And, again, you were the prosecutor assigned  
17 to investigate this?

18 A. Yes.

19 Q. And you've already described what you did to  
20 investigate this?

21 A. Yes.

22 Q. Is it true that you were aware of no evidence  
23 that Aaron Rich was ever involved in the transmission of  
24 stolen information from the DNC to WikiLeaks?

25 A. That's true.

1 Q. Are -- let me ask you if this is true. Are  
2 you aware -- aware of no evidence that Aaron Rich ever  
3 received any compensation from WikiLeaks?

4 A. That's true.

5 Q. Robert Mueller was a special counsel assigned  
6 by the Department of Justice to conduct an investigation  
7 as -- as a special counsel; is that right?

8 A. That's right.

9 Q. And Mr. Mueller is the former director of the  
10 FBI; is that right?

11 A. That's right.

12 Q. And he was assigned a number of resources and  
13 people to help him investigate a number of things  
14 including alleged Russian interference with the 2016  
15 election?

16 A. Yes. Mr. Mueller was also -- let's see -- he  
17 was chief of homicide in the U.S. Attorney's Office for  
18 the District of Columbia. He was the United States  
19 attorney San- -- for San Francisco in California. He  
20 was the United States attorney in Boston. So he -- I  
21 knew him because I met him in Boston when I was trying  
22 some skinheads, and he was the boss in Boston. And then  
23 we worked together at the U.S. Attorney's Office. He --  
24 he was never my chief, but we did work together there.  
25 And when he came back to do his special investigation,

1 they had their own offices. They had their own -- they  
2 weren't linked up in our computer system with us regular  
3 DOJ people. They were entirely separate.

4 Q. But you were aware that he was a highly  
5 experienced prosecutor and investigator?

6 A. Absolutely. Absolutely.

7 Q. And, again, had been the director of the  
8 Federal Bureau of Investigation --

9 A. Yes.

10 Q. -- is that right?

11 A. Yes.

12 Q. And you have read the publicly available,  
13 redacted version of the Report on the Investigation into  
14 Russian Interference in the 2016 Presidential Election  
15 of special counsel's report; is that right?

16 A. Yes.

17 Q. And you were aware of no evidence that  
18 contradicts, is inconsistent with, or undermines the  
19 conclusions in the special counsel's reports at Volume  
20 1, page 48 that WikiLeaks and WikiLeaks founder Julian  
21 Assange made several public statements apparently  
22 designed to obscure the source of the materials that  
23 WikiLeaks was releasing; is that right?

24 A. That's right.

25 Q. In other words, you -- you have no evidence

1 or information that contradicts the statement made in  
2 the special counsel's report that WikiLeaks and Assange  
3 made statements to obscure the source of the materials  
4 that's WikiLeaks was releasing?

5 A. That's true.

6 Q. And also you're not aware of any evidence  
7 that contradicts, is inconsistent with, or undermines  
8 the conclusion in the special counsel's report that the  
9 statements about Seth Rich implied falsely that he had  
10 been the source of the stolen DNC e-mails?

11 A. That's true.

12 Q. In other words, your information -- you have  
13 no information to say that he -- that he -- to say  
14 anything contrary that -- well, let me restate my  
15 question.

16 Your information is that Assange and  
17 WikiLeaks were falsely implying that Seth Rich was the  
18 source of the stolen DNC e-mails?

19 A. That's true. Now, what I don't know,  
20 Counsel, is -- I don't know what Mr. Mueller's team  
21 examined. I don't have a clue. But my conclusions were  
22 the same as the report.

23 Q. And his report -- Mr. Mueller's report  
24 concluded that Seth Rich was not the source of the  
25 WikiLeaks e-mails; is that right?



1           A.     Yes, it did.   Concluded he was not the source  
2     of the stolen e-mails.

3           Q.     Now, shortly after Seth Rich's murder, you  
4     began speaking with Aaron Rich; is that right?

5           A.     Yes.

6           Q.     And you may -- you kept in touch with him  
7     throughout the course of your involvement in the  
8     criminal investigation?

9           A.     Yes.

10          Q.     Did Mr. Aaron Rich fully cooperate with you?

11          A.     Yes, he did.

12          Q.     And to the best of your knowledge, did he  
13     fully cooperate with local and federal law enforcement  
14     agencies investigating his brother's murder?

15          A.     Yes.

16          Q.     Now, you say this in your affidavit, but I  
17     want to make sure it's clear on the record that it's  
18     because of considerations concerning law  
19     enforcement-sensitive investigative techniques and  
20     applicable privileges and legal protections including,  
21     but not limited to, a government or other privilege and  
22     the attorney work-product doctrine, you were unable to  
23     discuss any other topic related -- relating to the  
24     investigation of the murder of Seth Rich; is that your  
25     understanding?

1 A. Yes.

2 Q. And although this affidavit is not signed,  
3 you did sign one; right?

4 A. I did.

5 Q. And you stated under penalty of perjury that  
6 all of this was true and correct; is that right?

7 A. Yes, I did.

8 Q. Now, let me -- if I may turn to what's been  
9 marked before as Exhibits 1 and 2 to your deposition.

10 A. Hold on. Thank you. Got it.

11 Q. Let's just start with Exhibit 1.

12 A. Okay.

13 Q. Exhibit 1 is a transcript of a portion of an  
14 episode of a podcast called "Conspiracyland Episode 2"  
15 and is a transcript of a portion of that where you speak  
16 with Mr. Michael Isikoff; is that right?

17 A. Yes.

18 Q. And Mr. Isikoff is a reporter?

19 A. I'd call him a journalist.

20 Q. And you spoke with Mr. Isikoff about the Seth  
21 Rich murder to some degree; is that right?

22 A. Yes, I did.

23 Q. And you already confirmed that Exhibit 1  
24 truthfully transcribes your statements that you made and  
25 the podcast itself, Episode 2; is that right?

1 A. Yes.

2 Q. And the statements that are included in -- in  
3 Exhibit 1 that you make are truthful --

4 A. Yes.

5 Q. -- is that right?

6 Let me just walk you through a few of these.  
7 First of all, as were accounted in Exhibit 1, you become  
8 aware of conspiracy theories out on the Internet; is  
9 that right?

10 A. Yes.

11 Q. Okay. And as you already said, you used your  
12 security clearance to ask about those; is that right?

13 A. That's what it says.

14 Q. Okay. Yeah. So Mr. Isikoff recites that you  
15 used your security clearance to ask U.S. -- the U.S.  
16 intelligence community. That's what he says in the  
17 podcast; is that right?

18 A. That's what he says.

19 Q. And you told him that; right?

20 A. Yes. Well -- but I did not have the  
21 authority to tell him that. I should not have.

22 Q. But that was -- but -- but you made truthful  
23 statements to him; is that right?

24 A. Yes.

25 Q. And a little later down in Exhibit 1, there's

1 a discussion of the "what does it mean" website. Do you  
2 see that?

3 A. I see it.

4 Q. Yes. And the "what does it mean" web- --  
5 whatdoesitmean.com website reported just three days  
6 after Seth Rich's death and alleged that he was gunned  
7 down by a Hillary Clinton hit squad; is that right?

8 A. That's right.

9 Q. And you learned that there was a fake  
10 bulletin circulated by the Russian SVR, the Kremlin's  
11 version of the CIA, that said something similar; isn't  
12 that right?

13 A. That's what I told Mr. Isikoff. I do not  
14 have the authority to discuss that any further.

15 Q. But -- but, again, as you said, you were  
16 truthful in your --

17 A. Yes.

18 Q. -- communications with --

19 But you do know that the SVR is a Russian  
20 intelligence agency; is that right?

21 A. Yes, I do.

22 Q. And are you aware that -- that the SVR puts  
23 out false information out onto the Internet?

24 A. Yes, I am. Independently of this case.

25 Q. And are you -- Mr. Isikoff says that the

1 SVR's bulletin made the exact same allegations about  
2 Seth Rich on the exact same day as the  
3 whatdoesitmean.com story; is that true?

4 A. Yes.

5 Q. And then you say in Exhibit 1 that the  
6 original report from the SVR alleged that Seth thought  
7 he was meeting with the FBI and instead he was met by a  
8 Hillary Clinton hit team.

9 That's what you said; right?

10 A. That's what I said, but I -- I'm not sure  
11 whether that was from whatdoesitmean.com or the SVR  
12 report. I -- I'm not sure which one alleged that.

13 Q. Okay. And did the original report also  
14 allege that the hit team was captured after a running  
15 gun battle with U.S. federal police -- with the U.S.  
16 federal police force just blocks from the White House?

17 A. It was either the whatdoesitmean.com report  
18 or the SVR report.

19 Q. Now, as a prosecutor in Washington, D.C.,  
20 were you aware of any running gun battles blocks from  
21 the White House the day of Seth Rich's murder?

22 A. As a resident of the District of Columbia, I  
23 would have been aware of it, not just as a prosecutor.  
24 Things do happen in D.C. that require shutdowns of  
25 streets, et cetera. There was no shoot-out a couple of

1 blocks from the White House the night Seth was murdered.

2 Q. And is it true that -- well, you say here in  
3 your -- in Exhibit 1 that -- that: No. It never  
4 happened. It's all made up.

5 Right?

6 A. Yes. That's exactly what I said. It's all  
7 made up.

8 Q. And that includes that he was gunned down by  
9 a Hillary Clinton hit squad?

10 A. Yes. That's -- that includes that.

11 Q. And it -- does it also include that he  
12 thought he was meeting with the FBI the night of his  
13 murder?

14 A. Yes.

15 Q. Let me turn to the next page of Exhibit 1.  
16 Did you think it was outrageous to have a foreign  
17 intelligence agency set up one of the decedents that you  
18 were investigating the murder?

19 A. Yes, I did.

20 Q. And you -- as set out in Exhibit 1, you  
21 discovered that the Russians had planted the idea that  
22 there was a conspiracy?

23 A. That's what I said. And that's the truth.

24 Q. Now, this whatdoesitmean.com website purports  
25 to be run by a secret order of nuns; is that correct?

1           A.     I don't know if that's true or not. That's  
2     what Mr. Isikoff said. I -- I have no idea who runs any  
3     of those websites.

4           Q.     Did you also learn that there was another  
5     bogus intelligence report a few weeks after the initial  
6     fake bulletin?

7           A.     I -- I think I did. I think I did. Yeah.  
8     And I think I told Mr. Isikoff I did.

9           Q.     And it -- and -- and what you told him was  
10    true based upon what you knew; right?

11          A.     Yes. Yes.

12          Q.     And you were very concerned that this was  
13    coming from the SVR; right?

14          A.     Yes, I was.

15          Q.     Now, if you go on in this exhibit a little  
16    father down after the -- there's a line there -- a later  
17    part of this particular episode of the podcast. It says  
18    that you wrote a memo that you sent to the National  
19    Security Division of the Justice Department; is that  
20    right?

21          A.     Yes.

22          Q.     Okay. And you also met with personnel who  
23    were working with Special Counsel Robert Mueller?

24          A.     Yes.

25          Q.     And as the Mueller Report found that the --

1 the Russians did engage in a deliberate strategy to use  
2 Seth Rich's murder to distract investigators in the  
3 public from finding out what they had done during the  
4 2016 election?

5 A. Yes.

6 Q. And you -- you agree, based upon your  
7 investigation, with that?

8 A. Yes.

9 Q. And based upon that, you came to a conclusion  
10 about why Russia was doing this; is that correct?

11 A. I did. I had my own speculation about that.  
12 Yes.

13 Q. Well, would you read that last paragraph  
14 that --

15 A. Sure.

16 Q. -- from the podcast?

17 A. So then you got to look at, Well, why is  
18 Russia doing this? And what else is going on? Well,  
19 what else is going on is we have a special counsel who  
20 is investigating Russia stealing Clinton e-mails or DNC  
21 e-mails. And then -- I mean, it's not rocket science.  
22 Before you add it up and you go, Oh, if Seth is the  
23 leaker to WikiLeaks, it doesn't have anything to do with  
24 Russia. So, of course, Russia's interest in doing this  
25 is incredibly transparent. Let's blame it on Seth Rich.



1 He's a very convenient target.

2 Q. And that's what you believed based upon your  
3 investigation?

4 A. Yes. I still believe it now.

5 Q. Let me ask you a few more questions about the  
6 Mueller Report, which you've already -- already  
7 testified that you read. The report found that the  
8 Russians planted this story; is that correct?

9 A. Yes.

10 Q. And the report found that Seth Rich did not  
11 leak the e-mails to WikiLeaks?

12 A. Yes.

13 Q. The -- Mr. Mueller's report found that the  
14 Russians hacked the DNC servers; is that right?

15 A. Yes.

16 Q. And that the Russians provided the e-mails to  
17 WikiLeaks?

18 A. Yes.

19 Q. And actually found that the e-mails that were  
20 provided from the DNC to WikiLeaks were not provided to  
21 WikiLeaks until several days after Seth Rich was  
22 murdered?

23 A. Yes.

24 Q. So he wasn't even alive according to Special  
25 Counsel Mueller's report at the time that the DNC

1 e-mails were provided to WikiLeaks?

2 A. Yes.

3 Q. Ms. Sines, let me turn to Exhibit 2, the  
4 Episode 5 transcript. Do you have that before you?

5 A. I do.

6 Q. Okay. And, again, this -- this transcript is  
7 a -- truthfully transcribes your -- what is a portion of  
8 this broadcast that you participated in; is that right?

9 A. Yes.

10 Q. And the statements that you made that are  
11 contained in Exhibit 2 in this podcast are truthful?

12 A. Yes.

13 Q. Now, again, this portion of the podcast is  
14 talking about the Fox News story about Seth Rich that  
15 was first published on May 15th, 2017. Do you  
16 understand that?

17 A. Yes.

18 Q. And do you have any understanding that Mr.  
19 Butowsky was involved in some way with respect to that  
20 story?

21 A. Yes. Based on what Mr. Butowsky said on Fox  
22 News, CNN, anybody else who would listen, he was the one  
23 who was -- I think I have this right -- he was the one  
24 that was inciting Rod Wheeler to do this conspiracy  
25 theory story.

1 Q. You heard him say that on CNN or some other  
2 media?

3 A. Yes. I sure did.

4 Q. Now, this Fox News story was -- do you  
5 understand that it was ultimately retracted about a week  
6 or so after it was published?

7 A. Yes. So it would have been --

8 Q. And --

9 A. -- after it was retracted -- I'm sorry,  
10 sir -- it would have been after it was retracted, and I  
11 want to say Rod Wheeler filed some lawsuit against Fox  
12 and Mr. Butowsky. And then that's when Mr. Butowsky  
13 went on Fox News and CNN and made several statements  
14 about this case.

15 Q. And you understand that this -- the Fox News  
16 story that was retracted alleged that Seth Rich had some  
17 communication with WikiLeaks?

18 A. Yes.

19 Q. Now, let -- let me turn back to Exhibit 2.  
20 When -- when -- when the -- this story was released by  
21 Fox, you say you were furious about it --

22 A. I was.

23 Q. -- is that right?

24 A. Yes.

25 Q. And why were you furious?

1           A.     First of all, I don't like anyone in the  
2 media talking about an open murder case where we haven't  
3 even made an arrest yet. It -- it -- that's first of  
4 all. Second of all, there was false information. And  
5 then this one turned into a feeding frenzy. All kinds  
6 of people were coming out of the woodwork and buying  
7 into this -- I call them self-anointed conspiracy  
8 theorists. And you have them on the left, you have them  
9 on the right, but it makes my job harder because I have  
10 to investigate all of that.

11                 And in this particular case, it was so  
12 bruising to the decedents' family. And you got to  
13 understand, I'm still in touch with that family. That's  
14 not the only family. I have decedents where the trials  
15 were over a hundred years ago, and they still reach out  
16 to me even though I'm retired. Those folks are  
17 vulnerable. They're crushed. They've lost somebody  
18 they love. And in this particular case, Seth's parents  
19 were just -- they were crushed. And they felt so  
20 betrayed by people they trusted. And it was horrible.  
21 So, yeah, I was livid. I was furious.

22           Q.     And it also -- it just makes your job harder  
23 as a prosecutor to try to get through all of this; is  
24 that right?

25           A.     Yes. And it also scares witnesses off. They

1 start hearing about Russians and hit squads, and, you  
2 know, all of that nonsense. And it's hard enough in  
3 D.C. to get somebody to tell the truth about what they  
4 saw. Add this to the mix, it makes it much more  
5 difficult. And, unfortunately, what happens is you  
6 waste time investigating false conspiracy theories when  
7 your time is so much better spent on working on your  
8 murder.

9 Q. Later in -- on this exhibit, Mr. Isikoff  
10 says: The specifics in the story -- the Fox story --  
11 was that there was an FBI report about an FBI analysis  
12 of Seth Rich's computer that showed he was in  
13 communication with WikiLeaks. And he asked you, Was  
14 there any truth to that?

15 And what did you say?

16 A. No. None. Complete fabrication.

17 Q. And was that statement that you made  
18 truthful?

19 A. Yes.

20 Q. The report also says that you reached out to  
21 the FBI, and you said you did --

22 A. That's what I said.

23 Q. -- is that true?

24 And the report says that Mr. Isikoff asked  
25 you: What did they tell you?

1 And you said, No.

2 Is that right?

3 A. Yes.

4 Q. Now, that means that Seth Rich's computer did  
5 not show that he was in communication with WikiLeaks; is  
6 that right?

7 A. That's right.

8 Q. And, as a matter of fact, you said in this  
9 report: No. No connection between Seth and WikiLeaks,  
10 and there was no evidence on his work computer of him  
11 downloading and disseminating things from the DNC.

12 That's what you said; right?

13 A. Yes.

14 Q. And that was true?

15 A. Yes.

16 Q. And --

17 A. And that's what I shouldn't have said because  
18 I did not have permission to disseminate that from the  
19 Department of Justice.

20 Q. Nevertheless, still true; correct?

21 A. Yes, sir.

22 Q. And it wasn't from some thumb drive that he  
23 had?

24 A. No.

25 Q. Mr. Isikoff said that there was unusual

1 activity by a foreign hacker after Seth Rich's death; is  
2 that right?

3 A. Yes.

4 Q. And, in fact, there was some -- somebody  
5 trying to hack into Seth Rich's Gmail account; is that  
6 right?

7 A. Yes.

8 Q. After his death?

9 A. Yes.

10 Q. That wasn't Aaron Rich, was it?

11 A. You know I'm not allowed to answer that,  
12 but --

13 Q. Is he from --

14 A. -- Aaron Rich is not a foreigner.

15 Q. Did you found -- you learned that a foreign  
16 source was trying to hack into Seth's Gmail account?

17 A. Yes.

18 Q. Have you ever heard of any -- anyone by the  
19 name of Defango?

20 A. I'm not allowed to answer that.

21 Q. Based upon your investigation, was the Fox  
22 News story suggesting that there was communication  
23 between Seth Rich and WikiLeaks? Was the Fox News story  
24 true or false?

25 A. False.

1 Q. And based upon the Mueller Report, was the  
2 Fox News story suggesting that Seth Rich had  
3 communicated with WikiLeaks -- was it -- was that Fox  
4 News story true or false?

5 A. False.

6 Q. And did the Fox News story suggesting that  
7 communication -- was that similar to the Russian  
8 intelligence agencies' false claims trying to make  
9 people think that Russia did not steal the DNC's e-mails  
10 and supply them to WikiLeaks?

11 A. Yes.

12 Q. Now, since the podcast was published, have  
13 you had any contact with Ed Butowsky?

14 A. Ed Butowsky -- I believe it was Ed  
15 Butowsky -- posted something on -- I don't know if it  
16 was Instagram or a Tweet -- inviting me to look at  
17 something. I ignored it. I've never spoken to him, and  
18 I've had no contact with him.

19 Q. Has he ever harassed you in any way?

20 A. I don't know.

21 Q. What about Matt Couch? Have you ever had any  
22 communication with him?

23 A. No, I have not.

24 Q. Has he harassed you in any way that you're  
25 aware of?



1 A. I don't know.

2 Q. Have you been harassed in any way since -- by  
3 anyone -- since the podcast?

4 A. I have received some -- I don't know if the  
5 right term is "unpleasant" -- because of -- I've had to  
6 have three different details of U.S. marshals for  
7 security purposes in different cases totally unrelated  
8 to this, but because of that, I'm a little gun-shy when  
9 people start getting very ardent and ugly with me. And  
10 after that podcast, I become concerned of being accused  
11 of being a "Deep State" liar. And I got to say, there's  
12 no such thing as a "Deep State" prosecutor. Okay. I'm  
13 sure there are dirty prosecutors that don't do their  
14 job, but my concern for my physical safety is I don't  
15 have protection from the federal government anymore. So  
16 if some moron reads that stuff and believes it and  
17 decides, like in Pizzagate, he's going to come shoot up  
18 my house, all I've got is me. So I -- I don't know  
19 who's behind that. I don't know who's done that. I  
20 just ignore it. And I've -- I've stopped talking about  
21 any case -- well, that's not true -- about this case at  
22 all.

23 Q. Let me ask you. You were asked earlier about  
24 some of your political opinions and opinions about the  
25 president. Do your -- any of your political

1 opinions have -- did they have any impact on your  
2 investigation in the Seth Rich case?

3 A. Of course not.

4 Q. Or on the opinions that you've expressed in  
5 Exhibit 1 and Exhibit 2 or your affidavit?

6 A. Absolutely not. You got to understand,  
7 Counsel, you -- you -- when -- when you're a federal  
8 prosecutor -- and -- and I believe a lot of DAs are like  
9 this too, except maybe the elected ones, you -- you --  
10 all you want to do is vindicate a murder, and you've got  
11 to be fair to whoever the defendant turns out to be.  
12 And that's a juggling act. It's hard. Because  
13 sometimes you don't feel like you should be fair. What  
14 they've done is despicable, but you have to. That's the  
15 oath. It doesn't matter who your boss is. I --  
16 literally, I've worked -- I've worked for Reagan, Bush  
17 1, Bush 2. It never mattered. In fact, the first  
18 Democrat I ever worked for was -- I think Bill Clinton,  
19 and I learned real quick the Democrats make you write  
20 more memos. And, you know, I -- I was excited, Oh, it's  
21 the first time I ever worked for a Democrat. Just more  
22 memos. That's the only difference. It -- it doesn't  
23 matter who the boss is as long as it's that justice  
24 thing. I -- I've never had a Republican challenge my  
25 worth as -- as a prosecutor or my motivation ever, but

1 it's different now.

2 Q. Did you aggressively investigate the Seth  
3 Rich murder?

4 A. Yes, I did.

5 Q. Did you use all the tools available to you to  
6 try to find who killed him?

7 A. I tried to. I tried to.

8 Q. You did your very best?

9 A. Yes, I did. But it's sitting right here on  
10 my shoulder. The ones -- the cases where you don't  
11 close it or if you lose a trial and you shouldn't have  
12 lost, it's -- it stays right on your shoulder and it  
13 stays with you and it makes you feel horrible.

14 Q. And you feel a great obligation as a  
15 prosecutor to try to achieve justice for Seth Rich and  
16 for his family; is that right?

17 A. Absolutely.

18 Q. And you still do today even though you're  
19 retired?

20 A. I know. I still do. Yeah.

21 Q. Let me ask you one more thing -- one more  
22 kind of clean-up thing. You brought some documents with  
23 you to your deposition --

24 A. I did.

25 Q. -- and I'd -- I'd like -- and I'd like to

1 just mark them all, I guess excluding the affidavit that  
2 we've already pulled out, and just mark them as an  
3 exhibit, if that's okay.

4 A. It's fine with me. The court reporter just  
5 gave you a dirty look, but it's fine. She didn't. I'm  
6 lying.

7 You want all of them marked?

8 Q. Just as one exhibit. Just all of the pages,  
9 yes. Except for the affidavit, which I think we've  
10 pulled out.

11 A. Oh, okay. She'll do it.

12 (Defendants' Exhibit No. 7 was marked for  
13 identification.)

14 BY MR. HARPER:

15 Q. I think this would be Exhibit 7. Ms. Sines,  
16 is Exhibit 7 before you?

17 A. No, it -- yes.

18 Q. And is Exhibit 7 a copy of documents you  
19 brought with you today, absent the affidavit that we  
20 already talked about, in response to the subpoena that  
21 you received from Mr. Butowsky's counsel?

22 A. Yes.

23 Q. And let me just walk through this. The first  
24 page -- an -- an order in a case between Mr. Butowsky  
25 and Mr. Gottlieb?

1 A. Yes.

2 Q. Okay. And then if you turn -- I guess to the  
3 third page -- it starts to be a letter dated March 2nd?

4 A. Yes.

5 Q. To Mr. Clevenger from Timothy J. Shea and  
6 Daniel Van Horn; is that right?

7 A. Yes.

8 Q. Okay. And if you turn a couple more pages,  
9 there is a letter from Mr. Clevenger dated  
10 February 17th --

11 A. Yes.

12 Q. -- is that right?

13 A. Yes.

14 Q. And then after that, there are several pages  
15 of e-mails; is that right?

16 A. Yes.

17 Q. E-mails that are between you and -- and other  
18 people; right?

19 A. The Rich family.

20 Q. And those are true copies of communications  
21 you had with the Rich family?

22 A. Yes.

23 MR. HARPER: Let me -- let me take a short  
24 break. Maybe two minutes. And then I'll come  
25 back, and I should be finished, if that's all

1 right.

2 THE WITNESS: You promise?

3 MR. HARPER: I promise.

4 THE WITNESS: I'm getting older by the  
5 minute.

6 MR. HARPER: So am I.

7 THE WITNESS: Okay.

8 THE VIDEOGRAPHER: Time is 1:10, and we're  
9 off the record.

10 (Recess had from 1:10 p.m. to 1:11 p.m.)

11 THE VIDEOGRAPHER: Time is 1:11, and we're  
12 back on the record.

13 BY MR. HARPER:

14 Q. Ms. Sines, I want to thank you again for  
15 coming in today in this difficult time. And I also want  
16 to thank you for your service as a prosecutor and as an  
17 assistant U.S. attorney. I want to thank you for your  
18 service to the people of the United States.

19 A. Thank you.

20 MR. HARPER: And with that -- and with that,  
21 I'll pass the witness.

22 REDIRECT EXAMINATION

23 BY MR. CLEVENGER:

24 Q. I do have a few follow-up questions, Ms.  
25 Sines. We went -- Mr. Harper went through the affidavit

1 that you submitted, and I'd like to look at that  
2 briefly. I forget what the exhibit number that is.

3 A. That's okay. We'll find it.

4 Q. But --

5 A. Wait a -- wait a second.

6 Q. Okay.

7 A. Thank you. It's Exhibit Number 6, Counsel.

8 Q. Okay. Thank you. Very good.

9 A. You're welcome.

10 Q. There are several paragraphs where you say  
11 that you are aware of no evidence. So, for example,  
12 paragraphs 12, 13, 14, 15. Paragraph 12: I'm aware of  
13 no evidence of any contact between Seth or Aaron Rich  
14 and WikiLeaks.

15 But, at the same time, you can't tell us  
16 whether you -- you ever attempted to speak with Julian  
17 Assange or anybody with WikiLeaks; correct?

18 A. The Department of Justice decided that I am  
19 not permitted to tell you how it is that I am aware of  
20 no contact between Seth or Aaron Rich and WikiLeaks.

21 Q. Well --

22 A. The most they will let me say is that I  
23 thoroughly reviewed evidence, but I'm not allowed to say  
24 what all that evidence was.

25 Q. Well, in this case, I mean, you can't prove a

1 negative, can you? I mean --

2 A. I don't know what that means, sir.

3 Q. Is it -- well, I mean, there could be  
4 evidence out there that you're just not yet aware of; is  
5 that correct?

6 A. That's always the case. Yes. That's  
7 correct.

8 Q. And so in the next paragraph: I'm aware of  
9 no evidence that Seth Rich ever improperly downloaded  
10 information from DNC.

11 You know -- and you can't say with any  
12 certainty that the evidence doesn't exist, can you?

13 A. I can say what it didn't exist on that was  
14 examined, but, unfortunately, I'm not allowed to tell  
15 you what that is.

16 Q. Okay. Paragraph 14: I'm aware of no  
17 evidence that Aaron Rich was ever involved in the  
18 transmission of stolen information from the DNC to  
19 WikiLeaks.

20 You -- again, you can't tell us whether  
21 you've -- in fact, can you tell us whether Robert  
22 Mueller ever tried to make contact with WikiLeaks?

23 A. I'm not involved in his investigation. I  
24 can't tell you what he did. I have no idea.

25 Q. Well, are you aware of Mr. Mueller's



1 acknowledgement or his admission that he never even had  
2 his agents examine the DNC's e-mail servers?

3 A. No. I'm not aware of that at all.

4 Q. So you're not aware of the fact that  
5 Mr. Mueller has admitted that he relied exclusively on a  
6 redacted report by CrowdStrike?

7 A. No. I'm not aware of that at all.

8 Q. Can you say whether you took any  
9 investigative steps beyond what Mr. Mueller did in that  
10 regard?

11 A. No. I can't say what he did, and I'm not  
12 allowed to say what I did.

13 Q. Okay. You said that Aaron Rich fully  
14 cooperated earlier. Would -- would that statement  
15 change if you found out that Mr. Rich had withheld  
16 certain evidence from you?

17 A. Yes.

18 Q. And I believe you testified earlier, and  
19 correct me if I'm wrong, that -- that Mr. Butowsky said  
20 on television that he instigated Rod Wheeler's  
21 conspiracy theory. Was that what you said?

22 A. I said that he instigated Rod Wheeler's -- or  
23 at least what I meant to say -- going on Fox and doing  
24 the story because the White House wanted him to go on  
25 it. That's what Mr. Butowsky said, but then Mr.

1 Butowsky -- I want to say it was on CNN -- he said, Oh,  
2 no. No. No. That's a code name for Detective  
3 DellaCamera who wanted to be a whistleblower. I  
4 personally know all of that is false. I heard your  
5 client say it. I was stunned. However, I -- that's  
6 what I meant, was it was Mr. Butowsky who was telling  
7 Rod Wheeler, you know, The White House wants you to do  
8 this story; it's a go; of course, it's all on you,  
9 but -- that's what I was referring to.

10 Q. Okay.

11 A. That's based on e-mails your client sent to  
12 Mr. Wheeler that I saw.

13 Q. But you don't know whether my client was  
14 telling Mr. Wheeler how to conduct his investigation, do  
15 you?

16 A. I know Mr. Butowsky was saying things to Seth  
17 Rich's parents. And I knew he was betraying them. I  
18 watched your client very carefully when he was on CNN.

19 Q. Let's get specific about that. How do you --  
20 how do you -- how do you know that -- what my client  
21 said to the Riches?

22 A. I've seen -- I'm not allowed to answer that.  
23 I'm sorry.

24 Q. Well, I'm sorry. You've already opened the  
25 door to that.

1           A.     I may have, but I'm not allowed to tell you  
2     what I did during my investigation, so I'm not allowed  
3     to answer that.   Sorry.

4           Q.     Well, you just testified a minute ago that my  
5     client was somehow exploiting the Riches?

6           A.     I did.

7           Q.     Is that -- is that your testimony?

8           A.     Yes.

9           Q.     Okay.   Well, then give it --

10          A.     Well, you've --

11          Q.     Give specific examples.

12          A.     You've already seen on -- on television, you  
13     know.   Your client did a press conference with the  
14     Riches vowing he was going to do all of this stuff, and  
15     then after he got exposed by -- I guess it's Rod  
16     Wheeler, the Riches essentially fired your client and  
17     said, You don't have our permission, and stop speaking  
18     for us.   I mean, that's -- that's what I call using very  
19     vulnerable people.

20          Q.     Well, let's -- let's get specific here.   When  
21     was the day that my client held his press conference?

22          A.     I don't know.   He did it with the Rich family  
23     before the Fox News story.   I -- I don't know.

24          Q.     How certain are you -- are you 100 percent  
25     certain that that took place?

1 A. No, I'm not. I -- you know what?

2 Q. Okay.

3 A. I did see him on TV talking about helping the  
4 Rich family and paying for Mr. -- I don't know if he  
5 said he was paying for Mr. Wheeler, but saying he was  
6 helping them to investigate their son's murder.

7 Q. Okay. So how else do you think my client  
8 exploited the Riches?

9 A. I don't -- I think he had his own agenda.

10 Q. Okay. Well --

11 A. I think he was working on this Fox News story  
12 and that's -- that's what he did. He certainly didn't  
13 provide any information from any independent  
14 investigation to the prosecution team.

15 Q. That was Mr. Wheeler's job, wasn't it?

16 A. Not if your guy was the one paying the bucks  
17 for it. No.

18 Q. Well, if my client testifies and the records  
19 show that he agreed to pay for Mr. Wheeler, but he was  
20 not directing the investigation, does that affect your  
21 answer?

22 A. No, sir. Not at all.

23 Q. So you don't care what the evidence says;  
24 you've got your mind made up?

25 A. No. I saw the evidence. I feel the same way

1 about Mr. Wheeler. Your guy --

2 Q. What evidence --

3 A. -- exposed himself on CNN. That's -- that's  
4 my evidence. That's -- to me that was cruel, dishonest,  
5 and, frankly, I just wish I could have cross-examined  
6 him, but I wasn't there.

7 Q. Well, frankly, I wish I could get you to  
8 answer all of my questions, but --

9 A. I've answered your question. I -- I think  
10 your client was dishonest, and I think he used a very  
11 bruised, crushed family, and I think that's incredibly  
12 mean. That's what I believe. And I believe that --

13 Q. Okay. And I'm --

14 A. -- based on your client's conduct.

15 Q. Okay. And I'm asking you what specific  
16 conduct?

17 A. Everything he said on CNN. Everything.

18 Q. Okay. And do you recall what it was that he  
19 said on CNN?

20 A. No. I'd have to get a transcript of it now.  
21 It was a long time ago.

22 Q. Okay. So you're just kind of winging it  
23 here, aren't you? You're not sure?

24 A. No, sir. I'm positive. I firmly believe  
25 everything I just said about your client based on his

1 television performance on CNN. I'm a witness here.

2 Q. Well, you just testified --

3 A. I'm not a plaintiff. I'm not an attorney.

4 I'm just a witness. So --

5 Q. I understand that, but you --

6 A. -- I -- I don't prepare to testify if I'm  
7 telling the truth. I'm not watching --

8 Q. But you --

9 A. -- that stuff again. It was too abhorrent  
10 when I saw it live.

11 Q. Okay. You just testified that my client  
12 appeared at the press conference with the Riches?

13 A. I could have that one wrong. He might have  
14 just done -- there might have just been a press release.  
15 I thought --

16 Q. Okay.

17 A. -- I saw him with them, but I could have been  
18 wrong. That's a long time ago --

19 Q. Okay.

20 A. -- but I'm not wrong about what I saw on CNN.

21 Q. If my client testified that he never drafted  
22 a press release, made any public statements for the  
23 Riches, would you have any reason to contradict that?

24 A. No.

25 Q. How did you know it was a foreign person who

1       tried to hack into Seth Rich's Gmail account?

2           A.     I'm not allowed to answer that.

3           Q.     Well, are you aware that you can use a remote  
4       server in another country to make it look like you're  
5       acting from another country?

6           A.     I'm not allowed to answer that.

7           Q.     I'm asking you if you are aware of that  
8       generally? Are you aware that --

9           A.     Yes. Yes. I am aware of that.

10          Q.     But you can't tell us how you know for sure  
11       that this was a foreign person who hacked in?

12          A.     No. I'm not allowed to tell you that. I  
13       can't even tell you who it is. I wish I could.

14          Q.     I want to look at page 9 of some of the  
15       e-mails.

16          A.     Which exhibit?

17          Q.     I'm not sure what -- how that was numbered.  
18       It was the documents that you produced. It was the  
19       ninth page in the -- in the PDF file that I was sent.

20                   (Off-the-record discussion.)

21               THE WITNESS: There's a series of e-mails  
22               between me and the Rich family and between me and  
23               Michael Isikoff and Andy Kroll. So which ones?

24       BY MR. CLEVENGER:

25          Q.     This would be a Friday, July 13, 2018, e-mail

1 from you to Mary Ann and Joel Rich.

2 A. Okay.

3 Q. And Aaron Rich.

4 A. I've got it.

5 Q. Good folks: With the indictment of numerous  
6 Russian GRU intelligence agents for the 2016 DNC hack, I  
7 am hoping this will make ugly people stop falsely  
8 accusing Seth and will also make them stop harassing  
9 you.

10 Is that correct?

11 A. Yes.

12 Q. That's what you wrote?

13 A. Yes.

14 Q. Were you aware that all of those indictments  
15 were dismissed this week by DOJ?

16 A. Sure am.

17 Q. So --

18 A. I'm aware of all the pardons that have been  
19 issued. I'm aware of all of the cases that have been  
20 either pardoned or dismissed by the Department of  
21 Justice. I'm very well aware.

22 Q. What -- okay. What -- what are you talking  
23 about?

24 A. I'm talking about cases that were indicted  
25 and didn't go to trial and then got dismissed by the



1 Department of Justice.

2 Q. Okay. So with reference to this case, and --  
3 are you aware of the fact that -- that the case was  
4 dismissed because there wasn't enough evidence to even  
5 prosecute it?

6 A. No. I disagree 100 percent with you saying  
7 that.

8 Q. Okay.

9 A. I don't believe that's why those cases were  
10 dismissed.

11 Q. So you think -- you're arguing that they were  
12 dismissed for political reasons?

13 A. I don't -- I can't say -- yeah, I can. Yes,  
14 I am saying that. That is my feeling.

15 Q. You --

16 A. Yes.

17 Q. Okay. Well, what do you know about those  
18 cases?

19 A. Same thing everyone knows. I've read the  
20 indictments. It's all I'm allowed to know about those  
21 cases. I know a grand jury indicted them.

22 Q. And so you're just going on faith here that,  
23 if they were indicted, they must have been -- there must  
24 have been enough evidence?

25 A. No. I read the Mueller Report as well.

1 Q. So you're a believer in the Mueller Report;  
2 is that fair to say?

3 A. I believe the evidence that I saw in the  
4 Mueller Report. That's very fair to say.

5 Q. Well, are you aware significant parts of that  
6 report have been discredited?

7 A. By whom, Mr. Clevenger?

8 Q. Well, for example, Mr. Mueller's own  
9 admission that he never even examined the DNC's e-mail  
10 servers.

11 A. That doesn't discredit his report and what he  
12 found.

13 Q. Well, you're going to believe that report,  
14 isn't it true, because you want to believe that report?

15 A. No, sir. I am a prosecutor with 35 years of  
16 prosecutorial experience. I believe the report because  
17 I read it. The minutiae in it was enough to make anyone  
18 vomit. If anything, there was too much evidence in it.  
19 It took me forever to read that. I believed --

20 Q. Okay.

21 A. -- the report because it was thorough. And I  
22 believed the report because I know Bob Mueller. I know  
23 how hard he works. I know he makes you come to meetings  
24 at 7:00 a.m. I know how much integrity that man has.  
25 That's why I believe the Mueller Report.

1 Q. And so it doesn't matter whether he admits  
2 that he relied exclusively on a third-party contractor's  
3 redacted report? You still think that's a credible  
4 document?

5 A. I still think the indictments of the GRU  
6 intelligent agents for the 2016 DNC hack should not have  
7 been dismissed.

8 Q. And you don't say that based on any kind of  
9 inside knowledge, do you?

10 A. Just my experience, which may not mean much  
11 to some people, but it means a lot to me.

12 Q. Well, when you say your experience -- but  
13 you're relying entirely on things that are in the public  
14 record; is that correct?

15 A. I -- I can't ignore -- I -- I can't answer  
16 that.

17 Q. So are you relying on any kind of insider  
18 knowledge that you have?

19 A. I can't answer that.

20 Q. Well, I want to go -- the -- I really want  
21 the -- the area that I was interested in -- going  
22 specifically to who was responsible for these leaks. If  
23 Bob Mueller admits that he was a -- relying entirely on  
24 a redacted third-party report, does that not shed  
25 some -- cause some doubt about the veracity of the

1 report?

2 MR. HARPER: Objection to form.

3 THE WITNESS: Not to me, it doesn't, sir,  
4 but you'd have to talk to Mr. Mueller about that.  
5 His report isn't just based on one piece of  
6 evidence, as you know.

7 BY MR. CLEVENGER:

8 Q. I'm not -- I'm not concerned about all of the  
9 other elements of his report. I'm concerned about the  
10 e-mail leak. That's why I'm asking specifically  
11 about --

12 A. I'm not trying to argue with you. I told you  
13 I believe the report. I believe there is sufficient  
14 evidence in the report, and I believe there was  
15 sufficient evidence for the intelligence -- Russian  
16 intelligence agents to be indicted. So did the grand  
17 jury. And I -- I really have nothing else to say about  
18 that. I -- I wasn't there.

19 Q. Well, in your 35 years as a prosecutor, have  
20 you ever heard of another case where law enforcement,  
21 whether FBI or local, was investigating a  
22 computer-related crime that they never personally  
23 examined the evidence; they just relied on a third-party  
24 contractor and accepted a redacted report?

25 MR. HARPER: Objection to form.

1 THE WITNESS: I don't have -- I don't have  
2 the experience to answer that question. As you  
3 pointed out earlier, sir, I'm -- you know, I'm  
4 not an expert in GRU intelligence work.

5 BY MR. CLEVINGER:

6 Q. I'm not asking you about GRU intelligence  
7 work. I'm -- I'm asking about any crime that involves a  
8 computer or electronic evidence. With 35 years as a  
9 prosecutor, have you ever heard of another case where  
10 the prosecution and/or law enforcement relied  
11 exclusively on a third-party report?

12 A. I can't answer that.

13 MR. HARPER: Objection to form.

14 THE WITNESS: I don't know. I don't know.

15 BY MR. CLEVINGER:

16 Q. Well, I guess that's my question. Do you  
17 know of another case like that?

18 A. I don't know enough about computer-fraud  
19 cases to answer your question. I do not have the  
20 expertise.

21 MR. CLEVINGER: No further questions.

22 THE VIDEOGRAPHER: Time is --

23 RECROSS-EXAMINATION

24 BY MR. HARPER:

25 Q. Ms. Sines, let me ask you one thing. There

1 were some reporting that the Guccifer indictments --  
2 in -- in those cases that the lawyers for the -- for the  
3 defendants, were seeking some form of discovery which  
4 might have revealed U.S. intelligence agency methods.  
5 Had you heard anything like that?

6 A. I -- I -- I've heard it, but I don't know if  
7 it's true or not, which -- which would be a reason to  
8 dismiss a case to keep the intelligence source's  
9 secrets, you know, not put other lives in danger. I --  
10 but I don't know.

11 Q. Did you -- you don't know why those  
12 indictments were dismissed?

13 A. Of course I don't.

14 Q. And, again, in talking about your  
15 investigation into the murder of Seth Rich, you -- you  
16 tried to make use of every available tool to conduct  
17 that investigation and to try to solve that murder; is  
18 that right?

19 A. Yes.

20 MR. HARPER: I don't have anything further.

21 Thank you, again, so much for your time today.

22 THE WITNESS: Thank you.

23 FURTHER REDIRECT EXAMINATION

24 BY MR. CLEVENGER:

25 Q. I do -- I do have one -- I do have one

1 follow-up on -- based on that last statement. When  
2 you're saying you used every available tool, you're  
3 still not able to tell us, though, whether you attempted  
4 to contact WikiLeaks or anybody involved with WikiLeaks;  
5 is that correct?

6 A. I'm not allowed to tell you anything about  
7 what I actually did during my investigation while I was  
8 employed by the Department of Justice.

9 MR. CLEVINGER: Okay. Thank you. And thank  
10 you for your time.

11 THE WITNESS: Thank you.

12 THE VIDEOGRAPHER: Time is --

13 MR. HARPER: Thank you, Ms. Sines.

14 THE VIDEOGRAPHER: Time is 1:33, and this  
15 ends today's deposition.

16 THE COURT REPORTER: Mr. Clevenger, would  
17 you like to order the transcript?

18 MR. CLEVINGER: Yes, please.

19 THE COURT REPORTER: Mr. Harper, would you  
20 like a copy?

21 MR. HARPER: Yes.

22 (Deposition concluded at 1:35 p.m.)  
23  
24  
25

CERTIFICATE OF OATH

STATE OF FLORIDA )

COUNTY OF FLAGLER )

I, Mykel K. Miller, Registered Professional Reporter, Florida Professional Reporter, and Notary Public, State of Florida, certify that the aforementioned witness personally appeared before me and was duly sworn on this date: March 20, 2020.

WITNESS my hand and official seal:  
March 31, 2020.



---

Mykel K. Miller, RPR, FPR  
Registered Professional Reporter  
Florida Professional Reporter  
Notary Public - State of FL  
Commission No.: GG261196  
Expires: 09-23-2022

Digital Signature Authenticated  
by Symantec



CERTIFICATE OF REPORTER

STATE OF FLORIDA )

COUNTY OF FLAGLER )

I, Mykel K. Miller, Registered Professional Reporter, Florida Professional Reporter, certify that I was authorized to and did stenographically report the foregoing proceedings; that a review of the transcript was requested, and that the transcript is a true and complete record of my stenographic notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED March 31, 2020, in Flagler County, Florida.



Mykel K. Miller, RPR, FPR  
Registered Professional Reporter  
Florida Professional Reporter

Digital Signature Authenticated  
by Symantec

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

EDWARD BUTOWSKY,

Plaintiff,

-vs-

CASE NO.: 4:18-cv-00442-ALM

DAVID FOKENFLIK, ET AL.,

Defendants.

IN RE: Deposition of: DEBORAH SINES

Date Taken: March 20, 2020

Date Sent to Attorney:

The referenced transcript has been completed  
and awaits reading and signing.

Please have your witness read over your copy  
of the transcript and note any corrections on the  
enclosed Errata Sheet, and forward only the Errata Sheet  
to Southern Reporting Company at 747 South Ridgewood  
Avenue, Suite 107, Daytona Beach, Florida, 32114; or  
please have your witness contact Southern Reporting  
Company at 386-257-3663 to make arrangements to read  
their transcript.

Please complete by the time of trial or  
within 30 days.

The errata sheet, once received, will be  
forwarded to all ordering parties as listed below.  
Thank you.

Cc: Ty Clevenger, Esquire; David Harper, Esquire

**\*\*All ordering parties may not be listed\*\***

1 ERRATA SHEET

2 IN RE: Edward Butowsky vs. David Fokenflik, et al.

3 Deposition of DEBORAH SINES, taken 03/20/2020

4

5 Page Line Change/Reason

6 \_\_\_\_\_

7 \_\_\_\_\_

8 \_\_\_\_\_

9 \_\_\_\_\_

10 \_\_\_\_\_

11 \_\_\_\_\_

12 \_\_\_\_\_

13 \_\_\_\_\_

14 \_\_\_\_\_

15 \_\_\_\_\_

16 \_\_\_\_\_

17 \_\_\_\_\_

18 \_\_\_\_\_

19 \_\_\_\_\_

20 \_\_\_\_\_

21 \_\_\_\_\_

22 Under penalties of perjury, I declare that I have read  
23 the foregoing document and that the facts stated in it  
24 are true.

25

\_\_\_\_\_  
Date Signature